Agenda Item No. 1
September 8, 2022

City of Scotts Valley
PLANNING COMMISSION STAFF REPORT

Date: September 8, 2022

Applicant / Property Owner: Charlie Eadie/Granum Partners

Applications: Environmental Impact Report EIR19-004
General Plan Amendment GPA18-001
Zone Change ZC18-001
Planned Development PD18-002
Minor Land Division MLD18-003
Design Review DR18-007

Location: Intersection of Mt. Hermon Road and Glen Canyon Road/APN 022-162-76

General Plan / Zoning: Service Commercial / C-S

Environmental Status: Environmental Impact Report (EIR) was circulated for public review October 11- November 30, 2021, in accordance with the California Environmental Quality Act (CEQA)

Request: Consideration of an Environmental Impact Report, General Plan Amendment (GPA), Zone Change, Planned Development Zoning and Planned Development Permit, Design Review application and a Minor Land Division to allow for the construction of a mixed use commercial and residential development on a 3.56-acre site at the intersection of Glen Canyon and Mt. Hermon Road. Project land uses include 24,973 square feet of commercial, eight townhomes, and 44 apartments.

Staff Planner: Susie Pineda, Consulting Planner, (408) 331-7987
spineda@m-group.us

SUMMARY

The Planning Commission held a public hearing on June 9, 2022 to discuss the proposed project. A motion was made and carried, to direct the applicant to work with staff to address specific design related issues and bring the revised project back to the Planning Commission with a resolution for consideration. The items that the Planning Commission directed the applicant to address are as follows:
Lot 1:
   a. Setbacks of the townhomes
   b. Parking
   c. Size of the units

Lot 2:
   a. Reduced Parking Stall Dimensions
   b. Shared Parking
   c. Enhanced Parking Lot Design
   d. Private open space regarding rooftop screening from neighbors
   e. Architectural enhancements
   f. Circulation and parking
   g. Trash bin location
   h. Redwoods behind the buildings
   i. Parking Garage Venting

As directed, a draft approval resolution has been prepared (Attachment 1). A complete discussion of the project is included in the Planning Commission Staff Report dated June 9, 2022 (Attachment 2). Also attached to this staff report are the Planning Commission meeting minutes from the June hearing (Attachment 3), the revised project plans (Attachment 4), alternative townhome plans (Attachment 5), and the applicant’s response to comments (Attachment 6).

DISCUSSION AND ANALYSIS

The proposed project is a mixed-use commercial and residential development, located at the intersection of Glen Canyon and Mt. Hermon Roads. Project land uses include 24,973 sf of commercial (e.g. retail and office), eight townhomes, and 44 apartments. The project proposes to subdivide the existing 155,350 sf parcel into two lots. Proposed Lot 1 is approximately 45,250 sf and would include eight townhome style apartments housed within two separate buildings (Buildings C and D). Lot 2 is approximately 110,100 sf and also includes two buildings, Building A and Building B. Building B would consist of 9,910 sf of commercial use which fronts Glen Canyon Road, and Building A includes 14,931 sf of ground floor commercial space, for a total of 24,973 sf of commercial use on Lot 2.

The proposed project includes a zone change for Lot 1 from Service Commercial (C-S) to Medium High Residential/Planned Development (R-M-6/PD). Planned Development zoning is proposed for both Lots 1 and 2.

A detailed discussion and analysis of the design related issues for this project can be found in the staff report, dated Jun 9, 2022 (Attachment 2). The zoning compliance table provided below is intended to serve as a quick reference to illustrate how the proposed project compares to the base zoning district of each respective Lot. The exceptions requested by the applicant are highlighted in bold font.
<table>
<thead>
<tr>
<th>Zoning Compliance Table – Lot 1 Townhomes</th>
<th>Standard</th>
<th>Proposed</th>
<th>Compliance</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>R-M-6, Multiple Residential</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Maximum Lot Density</td>
<td>5,000 sf/unit</td>
<td>5,656 sf/unit</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Minimum Lot Area</td>
<td>6,000 sf</td>
<td>45,250 sf</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Minimum Lot Width</td>
<td>50'</td>
<td>approx. 300'</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Minimum Lot Depth</td>
<td>100'</td>
<td>approx. 180'</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Minimum Lot Frontage</td>
<td>60'</td>
<td>approx. 180'</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Maximum Site Coverage</td>
<td>55%</td>
<td>60%</td>
<td>No</td>
<td>Exception required through Planned Development process</td>
</tr>
<tr>
<td>Front Setback</td>
<td>20'</td>
<td>20'</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Side Setback (northwest corner)</td>
<td>10% of lot width 6’ max</td>
<td>3'</td>
<td>No</td>
<td>Exception required through Planned Development process</td>
</tr>
<tr>
<td>Side Setback (between Bldgs. C and D)</td>
<td>14'</td>
<td>10'</td>
<td>No</td>
<td>Min. 10’ required, plus 1’ for each one foot of height above which the top plate exceeds 15’ in height Exception required through Planned Development process</td>
</tr>
<tr>
<td>Rear Setback</td>
<td>15'</td>
<td>105'</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Height</td>
<td>35’</td>
<td>41’</td>
<td>No</td>
<td>Exception required through Planned Development process</td>
</tr>
<tr>
<td>Parking</td>
<td>2 spaces/unit + 1 for every 5 units</td>
<td>2 spaces/unit + 1 for every 5 units</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Interior Garage Dimensions</td>
<td>22’ x 22’</td>
<td>19.5’ x 21’</td>
<td>No</td>
<td>Exception required through Planned Development process</td>
</tr>
<tr>
<td>Private Open Space</td>
<td>100 sf/unit</td>
<td>97 sf/unit</td>
<td>No</td>
<td>Exception required through Planned Development process</td>
</tr>
<tr>
<td>Zoning Compliance Table – Lot 2 Commercial/Mixed Use Building</td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>-------------------------------------------------------------</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>C-S, Service Commercial</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Density Range</td>
<td>Standard: 15-20 units/acre</td>
<td>Proposed: 17.4 units/acre</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Minimum Lot Area</td>
<td>10,000 sf</td>
<td>110,100 sf</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Minimum Lot Width</td>
<td>100’</td>
<td>345’</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Minimum Lot Depth</td>
<td>100’</td>
<td>330’</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Minimum Lot Frontage</td>
<td>100’</td>
<td>180’</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Maximum Building Coverage</td>
<td>45%</td>
<td>40%</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Minimum Setbacks for Commercial Use</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Front</td>
<td>20’</td>
<td>19.5’</td>
<td>No</td>
<td>Exception required through Planned Development process</td>
</tr>
<tr>
<td>Side *</td>
<td>0’</td>
<td>30’</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Rear **</td>
<td>0’</td>
<td>20’</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Minimum Setbacks for Residential Use</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Front</td>
<td>10’ from street; 20’ from front of garage</td>
<td>N/A</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td>Side</td>
<td>10’</td>
<td>30’</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Rear</td>
<td>15’</td>
<td>20’</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Corner from the street</td>
<td>10’</td>
<td>N/A</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td>Corner from garage</td>
<td>20’</td>
<td>N/A</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td>Height</td>
<td>35’</td>
<td>45’-4”</td>
<td>No</td>
<td>Exception required through Planned Development process</td>
</tr>
<tr>
<td>Landscaping</td>
<td>Not less than 10% of total area</td>
<td>27.5%</td>
<td>Yes</td>
<td>A portion of the proposed landscaping is located within the public right-of-way</td>
</tr>
<tr>
<td>Landscaping within setback adjoining a street</td>
<td>Not less than 10’</td>
<td>20’</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Trash Disposal</td>
<td>adequate, screened, accessible</td>
<td>Yes</td>
<td>Yes</td>
<td>3 trash facilities located on site</td>
</tr>
<tr>
<td>Parking</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Residential Component</td>
<td>2 spaces/unit + 1 for every 5 units</td>
<td>2 spaces/unit + 1 for every 5 units</td>
<td>Yes</td>
<td></td>
</tr>
</tbody>
</table>
| Commercial Component | 1 space/250 sf of floor area | 1 space/250 sf of floor area (16 of the required spaces are situated on Lot 1) | No | A shared parking agreement would be required as a condition of approval  
Exception required through Planned Development process |
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Reduced Parking Stall Dimensions</td>
<td>9' x 20', or 9' x 17' plus a 3' overhang</td>
<td>9' x 17' plus a 3' overhang</td>
<td>Yes</td>
<td>The ramp impacts parking spaces 14-22 and 23-31, approximately eighteen parking stalls, where there will be limited space for the front end of the car to overhang and the sidewalks would feel tight</td>
</tr>
<tr>
<td>Off Street Parking - Landscaping</td>
<td>landscaped areas within or adjacent to the parking area shall provide for a minimum of one shade tree for every four parking stalls.</td>
<td></td>
<td>No</td>
<td>Exception required through Planned Development process</td>
</tr>
<tr>
<td>Private Open Space</td>
<td>100 sf/unit</td>
<td>Ranging from 32sf - 80sf</td>
<td>No</td>
<td>Exception required through Planned Development process</td>
</tr>
</tbody>
</table>

*Side setback for interior lot: Where the lot is adjacent to any “R” district, the side yard shall be a minimum of 10’
*Sside setback for corner lot: The exterior side yard of a corner lot shall be a minimum of 15’
**Rear yard: If the development abuts an R district, then the rear yard shall be a minimum of 20’

**Planning Commission Direction**

The following section provides a discussion of issues and concerns raised by the Planning Commission at the June 9, 2022 public hearing and the applicant’s response to those issues.

**Lot 1**

*Setbacks of the townhomes/Size of units*

As proposed, the project would require a reduced side yard setback at the northwest corner of Building D. The zoning code requires 10’, and the project proposes 3’. The Planning Commission expressed concern that the buffer between the land uses was not adequate. The Planning Commission recommended that the applicant consider
reducing the footprint of Building D, in order to meet the setback requirement, and also potentially bring the project into compliance with the site coverage requirement.

The applicant believes that the reduced side yard setback is acceptable at this location because the adjacent lot is an unbuildable steep hillside, the gas station is over 100' feet away and the hillside is dominated by mature trees (refer to Sheet PC-1 Neighborhood Plan). The applicant has expressed concern about reducing the size of the units because they believe the 3-bedroom townhomes satisfies a need for rental housing in the “missing middle” designed for families needing more rooms.

While the applicant believes the proposal is adequate, they have provided an alternative design in response to the Planning Commission concerns (refer to Attachment 5 Alternative Townhome Plans). As shown on Sheets Sheet PC-1A, A5.0 and A5.1, one of the 3 bedroom townhomes could be replaced with a 2 bedroom option which would allow for the required 10’ side setback at the northwest corner of Building D, adjacent to the gas station.

*Shared Parking*

While the Townhome development on Lot 1 meets the multifamily parking requirement set forth in the zoning code, the Planning Commission believes the units would function more like single family homes and recommended that the project include a shared parking agreement that would include a provision to ensure adequate parking for the townhomes.

The applicant believes that the project, as proposed, includes adequate parking and since Lots 1 and 2 would be under one ownership, the property management could establish rules and lease terms to manage the parking. The applicant would agree to a condition of approval which would require a shared parking agreement if either lot is sold separately. Staff has concerns about how this will be enforceable as it is possible that the sale could occur without the knowledge of the City.

Staff recommends that the terms of the shared parking agreement be agreed upon between the City and the applicant prior to City Council consideration of the project. At that time, the parties can enter into an agreement which requires the recordation of a shared parking agreement upon sale or transfer of the parcels. A project condition of approval has been added to the project that requires that the CC&R’s include a shared parking agreement to be approved by the City and executed by the property owner prior to approval of the final map. The CC&R’s shall be approved by the City Attorney and recorded prior to building permit final.
Lot 2: Commercial and Mixed Use Buildings

**Reduced Parking Stall Dimensions and Enhanced Parking Lot Design**

The zoning code requires that reduced sized parking stalls may be 17’ in length with a 3’ overhang. While the proposed project meets that requirement, the accessible slope/ramp, situated between Buildings A and B, impacts parking spaces 14-22 and 23-31, approximately eighteen parking stalls, where there will be limited space for the front end of the car to overhang and the sidewalks would feel tight (refer to Sheet 2.0). In these locations, the sidewalks narrow to 5’ which creates a less than ideal design. Without a major redesign of the project, the Planning Commission did not identify a solution to remedy this situation but recommended that the proposed project incorporate additional landscaping and amenities in other locations in the project, such as planter boxes and enhanced pedestrian crossings, to break up the design.

The applicant responded that the parking stalls meet the city standard of 17 feet with a 3-foot overhang and, in addition, there is additional width at each of the store front entryways. (refer to Sheet A6.0). To enhance the project design, the applicant would agree to include a condition of approval that would include storefront planting and auto irrigation as appropriate, consistent with retail needs (refer to Sheet A4.1, A6.0 and L1).

**Rooftop Private Open space – Building A**

Building A provides private open space in the form of patios and balconies. The proposed balconies vary in size, however, about half of them are undersized and do not comply with the zoning code requirements. In addition to the small amount of private space, the proposed project also includes common open space, located on the rooftops of the second and third stories of the proposed development. The Planning Commission expressed concern that proposed balconies may be too small to be functional. In addition, the Planning Commission, as well as, adjacent neighbors expressed concern about the rooftop common areas and potential privacy issues with the adjacent properties.

Despite the representations on the plans, the applicant clarified that the common open space shown on the floor plans (refer to Sheet A3.2) is not active or shared common open space available for recreational use by the residents, but rather passive open space, which serves as a buffer between units. While this may help to alleviate potential privacy issues with neighbors, it is important to note that this also drastically changes the overall square footage of active common open space that is available to the residents of the building. The City regulations require 100 sq. ft. of open space per unit. The project proposes 32 sf - 48 sf balconies for a majority of the units and 80 sf patios for approximately 15 units adjacent to the rooftop passive open space. In addition to the balconies and patios, the mixed use building proposes an approximately 1000 sf common area terrace.
The applicant has not proposed any changes or additions to the private open space configuration. In response to concerns about privacy, the applicant explained that the rooftop area of concern is 25 feet below the roof peak, situated on the floor of the first apartment level, above the parking. The applicant is amenable to adding additional landscaping as an additional buffer (refer to Sheet A3.5, and Sheets A3.2 and A6.1).

**Architectural enhancements**

The Planning Commission recommended architectural enhancement on prominent elevations, as outlined below.

- **Mixed Use Building A - Lot 2:** The Planning Commission recommended architectural enhancement on the east and west elevations. The applicant has proposed to install a mural on the east elevation to create visual interest (refer to Sheet A3.5)

- **Commercial Building B - Lot 2:** The Planning Commission recommended the design include greater architectural detail on the east and west elevations to add visual interest to the highly visible elevations (refer to Sheet A4.1). The applicant did not propose any changes to the architecture of this building because they believe the heavy landscaping screens the elevations from view and provides consistency with the City’s urban forest theme.

**Circulation**

The Planning Commission had concerns about traffic circulation, on and off site. As designed, the project would be accessible by two unsignalized driveways. One would utilize the existing driveway along Glen Canyon Road, just east of Mt. Hermon Road, and the second would be a new driveway along Mt. Hermon Road, just north of Glen Canyon Road. The Planning Commission expressed concern that on site congestion and potential backups that could occur on Mount Hermon Road or Glen Canyon Road as a result of the development on site.

There are several factors that could contribute to the potential circulation problems. Vehicles would drive through the parking lots to reach their destinations, while at the same time, other vehicles would be maneuvering to enter and exit parking stalls. In addition, trucks may be pulling in and out of the designated truck loading zone which could also interrupt the traffic flow.

The truck loading area is a pull out on the western side of Building A. The drive aisle itself is 20’ and the pull-out area measures 12’ wide. As proposed, trucks would pull into the loading area heading northwest and exit by backing into the 26’ drive aisle in the lower parking lot in front of Building A (Refer to Sheet A2.0). Vehicles would then exit northbound to Mt. Hermon Road.

To exacerbate the issue, there is an existing bus pull out on Mount Hermon Road, in close proximity to the proposed Mount Hermon Road driveway. As a part of the
environmental review process, the EIR identified a potential impact with regard to circulation which explains that the project may result in a safety hazard to vehicles as they decelerate to pull into the Mount Hermon Road driveway.

The EIR identified the following mitigation for this impact:

**MM TR-2.1 Mt. Hermon Road Project Site Access:** Prior to issuance of the grading permit, the project applicant shall submit an analysis by a qualified traffic engineer demonstrating that ingress access from Mt. Hermon Road is designed to adequately accommodate bus access to the existing transit stop (even if not currently used) and provide safe access for vehicles entering the project site from Mt. Hermon Road.

Implementation of Mitigation Measure MM TR-2.1: Mt. Hermon Road Project Site Access, would reduce the impact to a less-than-significant level.

The applicant asked their engineer to review the plan and confirmed that truck maneuvering is workable. Cars have over 20’ road width to pass a parked truck in the loading zone in either direction (refer to Sheet C2.1). Queuing space for several cars is available out of the Mt. Hermon travel lane even with a bus in the pullout area. CEQA mitigation measure will be implemented if and when any transit district potential future use of the bus pullout. The applicant believes any delays due to truck maneuvering would be short lived and not unusual for this type of urban design.

The applicant has not made any changes to the plans.

**Trash bin location**

The Planning Commission, as well as adjacent neighbors, expressed concern about the location, and potential impacts related to the trash enclosure located to the east of Building A (refer to Sheet A3.5 and PC-1).

The applicant has responded that the trash enclosure is located 46’ from the property line and it is separated by a wall and landscaping and there is a substantial grade differential which would also help to alleviate potential impacts to adjacent residences. In addition, the applicant has clarified that there would be a roof over the enclosure to limit exposure and this trash bin location is one of three trash locations on site so it does not accumulate all trash produced on site.

**Redwoods behind the buildings**

The Planning Commission, as well as adjacent neighbors, expressed concern about how construction on site may affect the root system of the redwoods located to the north of the project site, on the adjacent parcel (refer to Sheet A3.5).
The applicant has responded that minimal grading will occur at that location (+/- 12”). In addition, the proposed new building would be constructed outside of the root zone. The applicant has not yet completed this analysis but proposes to obtain a letter from a certified arborist prior to City Council review.

**Parking Garage Venting**

The Planning Commission, as well as adjacent neighbors, expressed concern about exhaust fumes related to the parking garage venting and how those fumes could potentially impact the adjacent neighbors.

The applicant has responded that no mechanical venting is anticipated. The project proposes open flow (grated) garage doors and other passive ventilation and the proposed project will comply with all California Building Code requirements.

**PUBLIC NOTICE**

On August 26, 2022, public hearing notices were posted at City Hall and were mailed to surrounding property owners located within 300 feet of the subject property, pursuant to State law.

**CONCLUSION**

The Planning Department has identified three options for Planning Commission consideration:

1. If it is determined that the issues associated with the proposed project are adequately addressed the Planning Commission could recommend approval of the proposed project by adopting the attached resolution and conditions of approval.

2. If it is determined that the issues with the proposed project are not adequately addressed, the Planning Commission could modify the project through the conditions of approval and forward a resolution of approval to the City Council.

3. If it is determined that the issues with the proposed project are not adequately addressed, the Planning Commission could direct staff to prepare a resolution of denial to forward to the City Council.
ATTACHMENTS

1. Resolution (Action Item)............................................................. (Attached)
2. Planning Commission Staff Report (06/09/22)................................. (Attached)
   a. Location Map
   b. Project Plans
   d. Final Environmental Impact Report
   e. Comment Letter (received 6/2/2022)
3. Planning Commission Minutes (06/09/22).................................... (Attached)
4. Project Plans................................................................................ (Attached)
5. Alternative Townhome Plans.............................................................. (Attached)
   a. Sheet A5.0 Townhome Floor Plans
   b. Sheet A5.1 Townhome Elevations
   c. Sheet PC-1A Site Plan
6. Applicant Response to Comments from 06/09/22 PC hearing............ (Attached)
RESOLUTION NO. _____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SCOTTS VALLEY RECOMMENDING TO THE CITY COUNCIL CERTIFICATION OF A FINAL ENVIRONMENTAL IMPACT REPORT (EIR19-004), APPROVAL OF A GENERAL PLAN AMENDMENT GPA 18-001), ZONE CHANGE (ZC18-001), MINOR LAND DIVISION MLD18-003, PLANNED DEVELOPMENT PERMIT (PD18-002), DESIGN REVIEW PERMIT (DR18-007), FOR A PROJECT LOCATED AT THE INTERSECTION OF MT. HERMON ROAD AND GLEN CANYON ROAD/APN 022-162-76

WHEREAS, the City of Scotts Valley has received an application from Granum Partners (referred to as the “applicant”) for “Oak Creek Park” project to: 1) subdivide the existing 155,350 sf parcel into two lots to allow a mixed-use commercial and residential development which includes 24,973 sf. of commercial, eight townhomes, and 44 apartments; 2) change the existing General Plan land use designation on Lot 1 from Service Commercial to Medium High Residential; 3) change the zoning on Lot 1 from Service Commercial (C-S) to Medium High Residential (R-M-6); 4) add a zoning overlay on Lot 1 Medium High Residential/Planned Development (R-M-6/PD) and Lot 2 Service Commercial/Planned Development (C-S/PD) to allow for exceptions to the zoning regulations and to allow tailored development standards to fit the needs of the project; and 5) approve Planned Development/ Design Review Permits to evaluate the architecture and related site improvements, on the subject site, located at the intersection of Mt. Hermon Road and Glen Canyon Road/APN 022-162-76; and

WHEREAS, the Applicant has presented substantial evidence which supports the application; and

WHEREAS, the application is a “Project” pursuant to the California Environmental Quality Act (“CEQA”), which requires the preparation and certification of an Environmental Impact Report in accordance with the requirements of CEQA; and

WHEREAS, the City selected Kimley-Horn and Associates, an independent environmental consultant (“Consultant”) to prepare a Draft Environmental Impact Report (“Draft EIR”), paid for by the applicant; and

WHEREAS, the Consultant prepared a DEIR (State Clearinghouse # 2019110250) in accordance with the State CEQA Guidelines and requirements. The DEIR was duly noticed, published, and distributed for a 45-day public review period from October 11, 2021 to November 30, 2021 and was made available for public review at the Planning Department at City Hall; and

WHEREAS, the City’s Consultant prepared a duly noticed and published Final Environmental Impact Report (Final EIR) on June 9, 2022, that was made available at City Hall, Planning Department, the City’s website, and upon request at the Planning Department; and
WHEREAS, the Planning Commission held duly published and noticed public hearings on June 9, 2022, and September 8, 2022, to review and consider the Final EIR and the requested General Plan and Zoning changes, hear public testimony, and provide comments and recommendations to the City Council.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Scotts Valley ("Commission") that the Commission hereby recommends to the City Council:

SECTION 1: That the FEIR has been completed in compliance with the requirements of CEQA and that the Planning Commission has reviewed and considered the information within the FEIR.

SECTION 2: That the FEIR represents the independent judgement and analysis of the City.

SECTION 3: That the City Council certify the Final EIR and approve the recommended mitigation contained in the Conditions of Approval attached hereto (Exhibit A) and incorporated herein by this reference based on the following findings pursuant to CEQA and the CEQA Guidelines Section 15091.

1. Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR. The Final EIR meets the requirement of this finding in that mitigation has been identified that would reduce impacts to less than significant levels. All mitigation measures in the Final EIR shall be included in any future resolutions approving the Project, made fully enforceable as future planning permit conditions of approval, and are incorporated herein in their entirety by this reference.

2. The City has prepared a program to report on and monitor changes made to the Project in order to mitigate or avoid significant effects on the environment. The Final EIR meets the requirement of this finding in that the Conditions of Approval (Exhibit A) attached hereto and incorporated herein include all of the mitigation measures and identifies the parties responsible to monitor and report/track compliance of the mitigation measures.

3. The documents and other materials constituting the record of the proceedings upon which the City’s decision and its findings will be located at the Department of Planning of the City of Scotts Valley in the custody of the Community Development Director. The Final EIR meets the requirement of this finding in that documents and other material constituting the record of the proceedings upon which the City’s decision and findings are located at the Planning Department of the City of Scotts Valley, One Civic Center Drive, Scotts Valley, CA, 95066, in the custody of the Community Development Director as part of the public record.
SECTION 4: That the City Council approve General Plan Amendment based on the following findings:

4. **The change in the General Plan land use designations are consistent with the General Plan.** The Project meets the requirements of this finding in that the City’s 2015 – 2023 Housing Element identified the project site as one of six “Opportunity Sites” that have zoning and development standards, infrastructure and public facilities in place to accommodate the construction of new housing. This criterion allows high-density residential as part of a mixed-use project.

5. **That the density is compatible with adjacent uses and densities.** The Project meets the requirements of this finding in that the residential density will be 7.7 units per acre, which is within the allowed range of 5 to 9 units/acre in the Medium-High Residential zone and is compatible with the housing development project to the northwest of the Project site. The property is slightly more dense that the residential uses to the northwest of the Project site, but the proposed residences are more than 100 feet from those residential uses and are screened by landscaping.

SECTION 5: Approve Zone Change ZC18-001 based on the following findings:

6. **The change in the zoning districts are consistent with the General Plan and the densities are compatible with adjacent uses and densities.** The Project meets the requirements of this finding, because the Project will change the existing Service Commercial (C-S) zone to Medium High Residential (R-M-6). As with the General Plan Amendment, this zoning density is compatible with the housing development project to the northwest of the Project site. The property is slightly more dense the residential uses, but the proposed residences are more than 100 feet from those residential uses and are screened by landscaping.

SECTION 6: Approve the Planned Development Overlay PD18-002 as shown on the plans as submitted to the Planning Commission, based on the following findings, subject to Conditions of Approval in Exhibit A, attached hereto and incorporated herein.

7. **The proposed Planned Development and Planned Development Permit is consistent with the underlying zoning designation of the City of Scotts Valley General Plan.** The proposed project is consistent with the land uses prescribed in the Commercial Service and Medium High Density Residential categories of the General Plan. The project is consistent with the purpose and intent of the Commercial Service and R-M-6 land use designation, which allow residential and mixed-use development. The proposed zoning would be R-M-6/Planned Development (R-M-6/PD) for Lot 1 and Service Commercial/Planned Development (C-S/PD) for Lot 2.

SECTION 7: Approve the Minor Land Division MLD18-003 as shown on the plans as submitted to the Planning Commission, based on the following findings, subject to Conditions of Approval in Exhibit A, attached hereto and incorporated herein.
8. That the locations of the commercial uses are in accordance with the objectives of the zoning ordinance and the purposes of the district in which the site is located. The mixed use development on Lot 2 meets the requirements of this finding in that one of the purposes of the Commercial-Service (C-S) zoning district is to provide appropriately located areas for retail stores, offices, and service establishments to meet the needs of the community. The residential development on Lot 1 meets the requirements of this finding in that it expands and improve the City’s housing supply by developing high-quality housing on a City-designated “opportunity site.” The project will provide affordable and market-rate housing consistent with the City of Scotts Valley General Plan Housing Element goals and policies.

9. That the proposed tentative map / minor land division, together with the provisions for its design and improvement, is consistent with the General Plan. The project meets the requirements of this finding in that the design of the minor land division and its related property improvements are consistent with many goals and objectives of the General Plan, including LP-3 The City shall promote the availability of adequate sites for a variety of housing types and densities consistent with Housing Element goals and environmental constraints; LA-5 The City shall re-designate, as appropriate, non-residential land uses for residential use to meet the identified housing demand if the report of the Planning Director so justifies it; LP-28 The City shall promote availability of commercial sites to accommodate a mix of professional office, service commercial, and shopping center developments consistent with the environmental, service, and economics goals of the City; LP-33 Commercial developments shall be designed and screened in an attractive manner and thereafter maintained so as to integrate the entire development visually with the overall natural beauty of the Planning Area; LO-37 Ensure compatibility between commercial developments and surrounding land uses; and LP-45 Commercial land uses should be concentrated along the urban core of the City.

10. That the project site is physically suitable for the density of the land division. The project meets the requirement of this finding in that the 3.6 - acre site contains sufficient spatial area for commercial building A and mixed-use building B, located on Lot 1, 8 townhouses located on Lot 2, and associated parking, landscaping, and related site improvements for the development. Public services are available, and utilities are of adequate capacity to accommodate the project.

11. That the design of the minor land division or the proposed improvements is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat. The project meets the requirements of this finding in that the EIR includes mitigation that would reduce any impact to fish, wildlife or habitat to a less than significant level.

12. That the design of the minor land division or the type of improvements is not likely to cause serious public health problems. The project meets the requirement of this finding in that the project will not generate hazardous emissions nor store hazardous/combustible materials. The Oak Creek Park EIR concluded that the project is not expected to cause serious public health problems.
13. **That the design of the minor land division will not conflict with easements acquired by the public at large (for access through or use of property within the land division).** The project meets the requirement of this finding in that the project will provide reciprocal access easements to adjacent parcels to integrate access from one parcel to another. The Scotts Valley Fire Protection District has reviewed the project and recommends approval subject to conditions.

SECTION 8: Approve the Planned Development Permit PD18-002 as shown on the plans as submitted to the Planning Commission, based on the following findings, subject to Conditions of Approval in Exhibit A, attached hereto and incorporated herein.

14. **The planned development permit as issued furthers the policies of the General Plan.** The project meets the requirements of this finding in that the project site will accommodate a mix of commercial and residential uses consistent with the housing and economic goals of the City, as called for in General Plan Land Use Element Policy LA-5 which allows the City to re-designate nonresidential land uses for residential use to meet the identified housing demand; and LA-11 which allows residential mixed-use as long as the projects that are compatible with the residential use.

15. **The planned development permit, as issued, conforms in all respects to the planned development zoning of the property.** The project meets the requirements of this finding in that approval of the PD Permit will allow development consistent with the planned development zoning.

16. **The interrelationship between orientation, location, mass and scale of building volumes, and elevations of proposed buildings, structures and other uses on-site are appropriate, compatible, and aesthetically harmonious.** The project meets the requirements of this finding in that the siting and size of the residential, mixed use and commercial buildings will be compatible within the project. Lot 1 includes eight townhome style, 3-bedroom apartments housed within two separate buildings (Buildings C and D). Lot 2 includes two buildings, Building A and Building B. Building B would consist of 9,910 sf of commercial use which fronts Glen Canyon Road, and Building A includes 14,931 sf of ground floor commercial space, for a total of 24,973 sf of commercial use on Lot 2. Surface parking and 12’ wide sidewalks would separate Buildings A and B, creating a “main street” commercial core. The residential units are located to the rear of the project site, on the third and fourth floors of Building A, above the commercial space.

17. **The environmental impacts of the project have been reviewed and considered.** The project meets the requirements of this finding in that the City has prepared an EIR in accordance with CEQA. The project will not result in new or substantially more severe project or cumulative impacts in any of the environmental topics addressed in the EIR;
SECTION 9: Approve the Design Review Permit DR18-007 as shown on the plans as submitted to the Planning Commission, based on the following findings, subject to Conditions of Approval in Exhibit A, attached hereto and incorporated herein.

18. The siting of any structure on the property as compared to the siting of other structures in the immediate neighborhood is appropriate. The project meets the requirement of this finding in that the proposed townhomes on Lot 1 and commercial building (Building B) on Lot 2 are proposed to be set back a minimum of 20 feet from Mt. Hermon Road and Glen Canyon Road and includes landscaping to help soften their appearance. Building B fronts Mt. Hermon Road and is consistent in scale and height with the one-story office building to the east. The parking lot (located between Buildings A and B) will have landscaping and most of the parking spaces will be screened by buildings or will be set back from Mt. Hermon Road to minimize street views of parked cars. Building A, situated behind Building B on the project site, is proposed to be a mixed-use building with two residential levels over two levels of parking/commercial uses. To help reduce mass and height, the existing hillside would be graded so that a portion of the parking structure would be below grade.

19. The materials, colors, proportion, mass and detail of all structures shall be in good proportion, have simplicity of mass and detail and be compatible in appearance with surrounding structures. There shall be an appropriate use of materials. Colors shall be appropriate within the context of use and should blend with surrounding structures. The project meets the requirements of this finding in that the building architecture includes sloped rooflines, articulated with varied forms, patterns, and massing. Building materials would consist of painted wood, stucco, exposed concrete, stone veneer, standing seam metal roofs, and aluminum and fiberglass windows, all of which are compatible in appearance with surrounding structures.

20. Landscaping and irrigation plans shall be required on the site. Landscaping shall be in keeping with the character or design of the building. Existing trees shall be preserved wherever possible. The project meets the requirements of this finding in that the project proposes irrigated landscaping interspersed throughout the site including a variety of ground covers, vines, and medium height bushes. Planting areas surround the residential buildings and the perimeter of the site, and two bioretention swales would be located on both sides of the driveway from Mount Hermon Road. In addition, three sycamore trees growing at the perimeter of the site, near the intersection of Mount Hermon and Glen Canyon Roads would be preserved and incorporated into the landscape plan for the project. A condition of approval has been included requiring the uniform maintenance of landscaping along Mt. Hermon Road to create a pleasing entrance to the City of Scotts Valley.

21. The size, location and arrangement of on-site parking and paved areas shall be appropriate. The project meets the requirements of this finding in that the proposed project complies with the zoning code requirements and has been designed to accommodate 208 parking spaces. The townhomes on Lot 1 have in-unit garages on the first floor that provide two parking spaces per unit, for a total of 16 spaces. Building
A includes 21 commercial and 101 residential parking spaces, three of which will be handicap accessible, 58 spaces are provided in the surface lot between Buildings A and B and the 18 spaces on Lot 1 are proposed to be shared, which would necessitate a shared parking arrangement.

22. **For ingress, egress and internal traffic circulation, all the above factors shall be related to the setting or established character of the neighborhood or surrounding area.** The project meets the requirements of this finding in that the Oak Creek Park EIR studied ingress, egress, and internal traffic circulation. The plan reflects the City’s and Scotts Valley Fire Protection District requirements. The project will provide reciprocal access easements to adjacent properties to ensure adequate pedestrian and emergency vehicle access. The existing reciprocal easement located on APN 22-162-72 and a portion of APN 22-162-68 shall remain in place. If it needs to be modified, it shall be reviewed and approved by the City prior to recordation of the final map.

NOW THEREFORE, BE IT FURTHER RESOLVED that, after careful consideration of the application and related materials, plans, maps, facts, exhibits, staff report, testimony and other evidence submitted in this matter, and incorporated herein by this reference, the Planning Commission of the City of Scotts Valley recommends City Council approve the Oak Creek Park Environmental Impact Report EIR19-004, General Plan Amendment GPA18-001, Zone Change ZC18-001, Planned Development Permit PD18-002, Minor Land Division MLD18-003, and Design Review Permit DR18-007, for the “Oak Creek Park” project subject to the conditions of approval, for a 3.6 acre site to: 1) subdivide the existing 155,350 sf parcel into two lots to allow a mixed-use commercial and residential development which includes 24,973 sf. of commercial, eight townhomes, and 44 apartments; 2) change the existing General Plan land use designation on Lot 1 from Service Commercial to Medium High Residential; 3) change the zoning on Lot 1 from Service Commercial (C-S) to Medium High Residential (R-M-6); 4) add a zoning overlay on Lot 1 Medium High Residential/Planned Development (R-M-6/PD) and Lot 2 Service Commercial/Planned Development (C-S/PD) to allow for exceptions to the zoning regulations and to allow tailored development standards to fit the needs of the project; and 5) approve Planned Development/Design Review Permits to evaluate the architecture and related site improvements, on the subject site, located at the intersection of Mt. Hermon Road and Glen Canyon Road/APN 022-162-76 subject to the Conditions of Approval (Exhibit A) which are attached hereto and incorporated herein by this reference.
THE ABOVE AND FOREGOING RESOLUTION was duly and regularly passed by the Planning Commission of the City of Scotts Valley at a meeting held on the 8th day of September 2022, by the following vote:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

Approved: ____________________________________________

Lori Gentile  
Planning Commission Chair

Attest: ____________________________________________

Taylor Bateman  
Community Development Director
EXHIBIT A

STANDARD

1. Developer has agreed to and shall defend, indemnify and hold harmless the City of Scotts Valley, its officers, agents and employees from any claim, action or proceeding against the City or its officers, agents or employees to attach, set aside, void or annul any action of the City in connection with approvals under the California Environmental Quality Act or with respect to approval of the project. The City shall promptly notify the developer of any such claim, action or proceeding and shall fully cooperate in defense.

2. After City Council approval, the property owner shall sign the Conditions of Approval (Exhibit A) agreeing to the Conditions of Approval prior to the issuance of any building permits, transfer of title, or within 30 days of approval of this application, whichever occurs first.

3. After City Council approval, the property owner shall have a signed and notarized copy of the Notice of Conditions of Approval recognizing this application (provided by the City), recorded at the County Recorder’s Office prior to issuance of any building permits or operation of the use.

4. All required building permits shall be obtained and the applicant shall pay all appropriate fees prior to commencement of any construction on the property.

PLANNING DEPARTMENT

Design

5. The color, materials, size, location, and design of the improvements shall match the approved plans. Modifications to the approved project may require approval by the Planning Commission at the discretion of the Community Development Director.

6. All mechanical equipment shall be screened from public view.

7. The outdoor storage of material is prohibited.

Landscaping

8. Landscape irrigation shall connect to the recycled water distribution system as prescribed by the Scotts Valley Water District.

9. The landscaping improvements shall be permanently maintained and irrigated. The landscaping along Mt. Hermon Road on Lots 1 and 2 shall be uniformly landscaped and maintained. Such requirement shall be included in the project CC&Rs.
10. Landscaping Requirement. Applicant shall provide irrigated planters on the sidewalk in front of the tenant spaces on the south side of Mixed Use Building A and the north side of Commercial Building B.

11. Applicant shall provide a revised landscape plan to the Community Development Director for review and approval showing the exact location of the joint trench prior to obtaining building permits. If the location of the joint trench results in loss of landscaping, the applicant shall be required to take measures to improve the landscaping subject to the approval of the Community Development Director.

12. Applicant shall enter into a landscaping maintenance agreement with the City of Scotts Valley for the landscaping in the public right of way adjacent to Mount Hermon Road and Glen Canyon Road, prior to the issuance of building permits.

**Signs**

13. Signage shall be consistent with the sign program included in the plan set titled “Oak Creek Park,” dated October 2016, revised June 1, 2020.

14. Sign lighting shall be positioned to minimize light leakage beyond the sign perimeter and to minimize ambient light pollution. The light source shall not be directly visible.

**Lighting**

15. The lighting plan shall be reviewed and approved by the Community Development Director prior to issuance of building permit.

16. All exterior lighting shall be the minimum necessary for security and all lighting shall be down shining with the light source not directly visible from adjacent properties. Where deemed necessary by the Community Development Director light cutoffs/shields shall be installed.

17. Parking lot lighting shall utilize technology to minimize light spill when the parking lot is not in use.

**Trees**

18. Prior to obtaining building permits, applicant shall submit a report to the Planning Director, written by a certified arborist, addressing potential construction impacts to the redwoods located to the north of the project site and implement all recommendations included in the report.

19. All recommendations in the Tree Resource Evaluation prepared by Maureen Hamb Consulting Services dated July 2018, are incorporated as conditions of project approval.
20. The three sycamore trees growing at the perimeter of the site, near the intersection of Mount Hermon and Glen Canyon Roads shall be preserved and incorporated into the landscape plan for the project.

21. Tree removal shall not occur until a grading or building permit has been issued for the project.

22. The final grading plans and improvement plans shall be reviewed and approved by the project Arborist prior to any grading and if deemed necessary additional tree preservation measures shall be applied to the project.

23. The project arborist shall place a monetary value on trees preserved on development sites and a surety bond in an amount equal to the value of the preserved trees shall be deposited with the city prior to issuance of a grading/building permit for the project. If damage occurs to the preserved trees during development and/or construction, funds will be drawn from the deposited amount. Funds remaining in the account will be returned to the applicant upon final inspection of the project.

24. During the pre-construction phase of development the project arborist shall inspect tree protection fencing and the completion of pre-construction treatments. This inspection shall be completed prior to the issuance of any grading or building permits.

25. The project arborist shall routinely inspect the development site through the term of the project.

26. Upon completion of construction activities, the project arborist shall submit written documentation stating that all recommended tree preservation measures have been completed prior to Building Permit final for the project.

27. The cost of the project arborist review and implementation of conditions, site inspection and related work shall be borne by the applicant.

CC&R’s

28. CC&R’s for the on-going management and maintenance of the site shall be approved by the City and executed by the property owner prior to approval of the final map. The CC&R's shall be approved by the City Attorney and recorded prior to building permit final. The property owner shall pay for all recording costs. The CC&Rs shall include provisions for the following:

a. Uniform standards for maintenance and upkeep of exterior buildings and grounds.

b. Utility maintenance provisions addressing commonly owned infrastructure
including, but not limited to, landscaping water lines and bioretention facilities.

c. An enforcement mechanism for the City in case of failure to maintain the on-going maintenance and management of the parcels.

d. Maintenance of the drainage improvements, landscaping, including the landscaping located in the public right-of-way along Mt. Hermon Road.

e. Shared parking for Lots 1 and 2.

f. The emergency vehicle access gate shall be reviewed and approved by the City and other emergency responders, as necessary, prior to issuance of building permits. If required, the gate shall be modified to meet emergency services requirements.

Grading

29. All recommendations in the “Updated Geotechnical Investigation for the Oak Creek Par Project,” prepared by Haro, Kasunich and Associates, Inc., dated January 2018, are incorporated as conditions of project approval. The limits of grading shall be clearly marked on the site prior to the issuance of a grading or building permit.

Archaeology

30. If potential historical or unique archaeological resources are discovered during construction, suspend all work in the immediate vicinity (within approximately 50 feet) and avoid altering the materials and their context pending site investigation by a qualified archaeological or cultural resources consultant retained by the project applicant. Construction work shall not commence again until the archaeological or cultural resources consultant has been given an opportunity to examine the findings, assess their significance, and offer proposals for any additional exploratory measures deemed necessary for the further evaluation of, and/or mitigation of adverse impacts to, any potential historical resources or unique archaeological resources that have been encountered.

31. If the find is determined to be an historical or unique archaeological resource, and if avoidance of the resource would not be feasible, the archaeological or cultural resources consultant shall prepare a plan for the methodical excavation of those portions of the site that would be adversely affected. The plan shall be designed to result in the extraction of sufficient volumes of non-redundant archaeological data to address important regional research considerations. The work shall be performed by the archaeological or cultural resources consultant, and shall result in detailed technical reports. Such reports shall be deposited with the California Historical Resources Regional Information Center. Construction in the vicinity of the find shall be accomplished in accordance with current professional standards and shall not recommence until this work is completed.
32. The project applicant shall assure that project personnel are informed that collecting significant historical or unique archaeological resources discovered during development of the project is prohibited by law. Prehistoric or Native American resources can include chert or obsidian flakes, projectile points, mortars, and pestles; and dark friable soil containing shell and bone dietary debris, heat-affected rock, or human burials. Historic resources can include nails, bottles, or other items often found in refuse deposits.

33. If human remains are discovered, there shall be no further excavation or disturbance of the discovery site or any nearby area reasonably suspected to overlie adjacent human remains until the project applicant has complied with the provisions of State CEQA Guidelines Section 15064.5(e). In general, these provisions require that the County Coroner shall be notified immediately. If the remains are found to be Native American, the County Coroner shall notify the Native American Heritage Commission within 24 hours. The most likely descendant of the deceased Native American shall be notified by the Commission and given the chance to make recommendations for the remains. If the Commission is unable to identify the most likely descendent, or if no recommendations are made within 24 hours, remains may be reinterred with appropriate dignity elsewhere on the property in a location not subject to further subsurface disturbance. If recommendations are made and not accepted, the Native American Heritage Commission will mediate the problem.

Air Quality

34. Reduce Fugitive Dust

To reduce fugitive dust emissions, and the applicant shall require the following measures to be included as part of construction grading and building plans:

a. Limit grading to 8.1 acres per day, and grading and excavation to 2.2 acres per day.

b. Water graded/excavated areas and active unpaved roadways, unpaved staging areas, and unpaved parking areas at least twice daily or apply non-toxic chemical soil stabilization materials per manufacturer’s recommendations. Frequency should be based on the type of operations, soil and wind exposure.

c. Prohibit all grading activities during periods of high wind (more than 15 mph).

d. Apply chemical soil stabilizers on inactive construction areas (disturbed lands within construction projects that are unused for at least four consecutive days).

e. All disturbed soil areas not subject to revegetation shall be stabilized using approved chemical soil binders, jute netting, or gravel for temporary roads and any other methods approved in advance by MBARD.
f. Exposed ground areas that are planned to be reworked for durations longer than 1 month after initial grading shall be sown with a fast germinating, non-invasive grass seed and watered until vegetation is established.

g. Plant vegetative ground cover in disturbed areas as soon as possible.

h. Use street sweepers, water trucks, or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the project site. Reclaimed (non-potable) water should be used whenever possible;

i. Spray dirt stock pile areas daily as needed.

j. Place gravel on all roadways and driveways as soon as possible after grading. In addition, construct building pads as soon as possible after grading unless seeding, soil binders, or frequent water application are used.

k. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site.

l. All trucks hauling dirt, sand, soil, or other loose materials shall be covered or shall maintain at least 2 feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with California Vehicle Code Section 23114.

m. Unpaved road travel shall be limited to the extent possible, for example, by limiting the travel to and from unpaved areas, by coordinating movement between work areas rather than to central staging areas, and by busing workers where feasible.

n. Install wheel washers where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the project site, and inspect vehicle tires to ensure they are free of soil prior to carry-out to paved roadways.

o. Sweep streets at the end of each day, or as needed, if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water shall be used where feasible.

Biological Resources

35. Focused Plant Surveys

Within one year prior to issuance of grading permits, and/or any clearing, grading, or excavation work on the project site, the project applicant shall have a qualified biologist conduct a spring season plant survey, with a focus on the coastal prairie and the bottom of the detention basin. The survey shall ascertain whether the site supports any special status plant species. The survey findings shall be subject to review by the City of Scotts Valley. If no special status species are found, no additional actions are required. If special status species are found on site, the applicant shall confer with regulating agencies (i.e., City, CDFW, and/or USFWS) on measures to avoid, minimize, or compensate for the impact. A mitigation plan shall be prepared and implemented that outlines provides preservation, salvage, or
presents other compensation for the impact, such that impacts are reduced to a less than significant level.

36. **Avoid Nesting Birds**
   The applicant shall schedule tree removal to occur between September 1 and March 1 of any given year, which is outside the bird nesting season for Central California Coast to avoid impacting nesting birds, if present. Because this tree grove is adjacent to very busy roadways, it would be difficult to detect nesting birds by listening for their vocalizations; the dense acacia vegetation also makes it difficult to ascertain visually if any small bird nests such as hummingbirds are present. Therefore, this measure to avoid impacts to nesting birds, is the only practical method to avoid disturbance or destruction of active bird nests, if any are present.

**Geology and Soils**

37. **Implement geotechnical report recommendations.**
   The project applicant shall ensure that the project incorporates appropriate geotechnical recommendations for the seismic ground shaking, seismic-related ground failure and liquefaction, landslide susceptibility, erosion and erosion control, soil stability, expansive soils, and any other appropriate issue. Prior to building permit issuance, the project geotechnical engineer shall review the plans submitted for a grading/building for compliance with the recommendation of the geotechnical report. Once the plans comply with the recommendations, the project geotechnical engineer shall provide a plan review letter stating that the project design meets all of the geotechnical report recommendations.

**Noise and Vibration**

38. **Construction Noise Reduction**
   To reduce the effects of construction noise, the project applicant shall ensure that the following notes are included as part of all relevant grading and building construction plans:

   **Construction Equipment.** Properly maintain construction equipment and ensure that all internal combustion engine driven machinery with intake and exhaust mufflers and engine shrouds (if the equipment had such devices installed as part of its standard equipment package) that are in good condition and appropriate for the equipment. Equipment engine shrouds shall be closed during equipment operation. The project applicant shall require all contractors, as a condition of contract, to maintain and tune-up all construction equipment to minimize noise emissions.

   **Vehicle and Equipment Idling.** Construction vehicles and equipment shall not be left idling for longer than 5 minutes when not in use.
Stationary Equipment. All noise-generating stationary equipment, such as air compressors or portable power generators, shall be located as far as possible from sensitive receptors. Temporary noise barriers shall be constructed to screen stationary noise generating equipment when located near adjoining sensitive land uses. Temporary noise barriers could reduce construction noise levels by 10 dBA.

Construction Route. All construction traffic to and from the project site shall be routed via designated truck routes where feasible. All construction-related heavy truck traffic in residential areas shall be prohibited where feasible.

Workers’ Radios. All noise from workers’ radios shall be controlled to a point that they are not audible at sensitive receptors near the construction activity.

Construction Plan. Prior to issuance of any grading and/or building permits, the contractor shall prepare and submit to the City of Scotts Valley Building Department for approval a detailed construction plan identifying the schedule for major noise-generating construction activity.

Disturbance Coordinator. A “noise disturbance coordinator” shall be designated by the contractor and be responsible for responding to any local complaints about construction noise. The noise disturbance coordinator shall determine the cause of the noise complaint (e.g. starting too early, bad muffler, etc.) and shall require that reasonable measures warranted to correct the problem be implemented. The coordinator shall conspicuously post a name and telephone number for the disturbance coordinator at the construction site and include it in the notice sent to neighbors regarding the construction schedule.

Transportation

39. Mt. Hermon Road Project Site Access

Prior to issuance of the grading permit, the project applicant shall submit an analysis by a qualified traffic engineer demonstrating that ingress access from Mt. Hermon Road is designed to adequately accommodate bus access to the existing transit stop (even if not currently used) and provide safe access for vehicles entering the project site from Mt. Hermon Road.

40. Applicant shall comply with all VMT requirements as discussed in EIR.

Affordable Housing

41. The developer shall comply with Title 14 of the City’s Municipal Code and all applicable City of Scotts Valley Affordable Housing Policies and Procedures for the implementation of Affordable Housing.

42. The developer shall enter into an Affordable Housing Agreement with the City of Scotts Valley prior to Final Map recordation.
Construction Phasing

43. Prior to the issuance of a Certificate of Occupancy for any of the units on Lot 1, the following improvements to Building A and the commercial component of Building B shall be permitted, completed and approved by the City’s Building Official and all applicable fees shall be paid: full standard interior wall finishes, heating & air ventilation systems, water service meter connections, and sewer connections. In addition, all applicable fees shall be paid. Before any grading or building permit issuance for either Lot 1 or Lot 2, the developer shall prepare a draft phasing plan agreement of the proposed construction phasing of the commercial component of the project, for review and approval by the City which memorializes this requirement. The purpose of the agreement is to provide “turn-key” commercial buildings.

Building Department

44. The developer shall obtain any required grading and/or building permit(s) and pay applicable fees.

45. Winter grading shall require prior review and approval by the City.

46. The developer shall pay all applicable City development impact fees before grading and/or building permit issuance.

47. The developer shall pay school impact fees to the Scotts Valley Unified School District before building permit issuance.

48. All trades of electrical, plumbing and mechanical will be issued under one building permit for said project (General Contractor permittee). All subcontractors shall provide their contractor’s license number and their workers compensation insurance information to the Building Department.

49. Applicant shall remove all references to “apartments” on the electrical sheets in the plan set and revise to read “townhomes” prior to City Council consideration.

50. All buildings shall be designed to comply with the current California Building Code, California Mechanical Code, California Electrical Code, California Plumbing Code, California Energy Code and California Green Building Code, in effect at the time of building permit application.

51. The building permit plans must comply with the current California Plumbing and Green Building Code for water-conserving fixtures and fittings and with the CA Energy Commission Building Energy Efficiency Standards, which includes energy-saving fixtures and appliances to be used throughout the building.
52. All structures shall comply with the most current California Energy Commission Standards (California Energy Code).

53. All new construction shall comply with the California Green Building Code and the City’s current Green Building Guidelines, which require various low-impact-development and resource efficient techniques, to the satisfaction of the CDD.

54. Structural calculations shall be submitted and wet-signed by the Engineer of record.

55. A Special Inspection form shall be submitted and the names of Special Inspectors with certifications as required shall be provided.

56. A soils report by a qualified geologic engineer shall be submitted with the application for any building permits. The developer shall submit a plan review letter from the project Geotechnical Engineer confirming that the construction documents comply with the project geotechnical engineer’s recommendations.

57. The developer shall comply with the City’s standard erosion control measures. The plans submitted for a building permit must include best management practices (e.g. erosion control practices and procedures) during construction, which include complying with Regional Air Quality Control Board emissions for construction equipment.

58. Site drainage erosion control and foundation plans must be reviewed and approved by the soils engineer of record.

59. To ensure that City requirements are met, the developer shall specify to the Building Official the off-site disposal location of any exported soil material at a pre-construction meeting or before grading permit issuance. If the disposal site is located outside the City, the site shall be a legal facility such as a licensed landfill or permitted fill site.

60. Developer shall submit a plan showing temporary (during construction) and permanent erosion control measures will need to be submitted to the Regional Water Quality Control Board (RWQCB), the agency that administers NPDES, and the City Building Department for review and approval.

61. A completed City of Scotts Valley Construction and Waste Management Plan form shall be submitted with the Building permit application.

62. The project shall comply with all California Building Code Accessibility requirements and show the required features as they apply to this project.

63. If grading in the rainy season (October 15th to April 15th) is necessary, approvals from the Building Department shall be obtained.
64. The location of all soil to be exported shall be reviewed and approved by the Building Official prior to issuance of a grading or building permit.

City Public Works Department

65. A final subdivision or parcel map in conformance with the California Government Code, Section 66410 et seq, and with the City Subdivision Ordinance, and including the conditions of the tentative subdivision map, shall be filed to the satisfaction of the Public Works Director/City Engineer.

66. All required documents, final or parcel map sheets, covenants, developer and city improvement agreements and bonds, shall be provided to the satisfaction of the Public Works Director/City Engineer prior to the recordation of any final map or application for any building permit. (Applicant should be advised that officials of Santa Cruz County, such as the Auditor-Controller, Recorder and Clerk of the Board have requirements, such as payment of taxes and present title guarantee, which precede recordation of the map.)

67. Engineered Improvement Plans shall be submitted for all on-site and off-site work and will be approved by the Public Works Director/City Engineer. On-site and off-site (encroachment) civil engineering permits must be issued by the City prior to commencing any work. Improvement Plans shall include any necessary grading, drainage, masonry retaining walls, driveway, utilities, utility pole relocation, frontage improvement and/or repair of sidewalk, curb and gutter or similar facilities required satisfying tentative map conditions to the satisfaction of the Public Works Director/City Engineer. All improvements shall conform to the design standards contained in text and illustration in the "City of Scotts Valley Standard Details", latest revision adopted by the City Council.

68. Applicant shall construct street improvements for the full parcel frontage in accordance with the City of Scotts Valley Standard Details, latest revision, adopted by the City Council.

69. Engineered improvement plans for all work, signed and prepared under the direction of a registered civil engineer, shall be approved by the Public Works Director/City Engineer prior to commencing work.

70. All work in the public right-of-way will require an encroachment permit application made to the satisfaction of the Public Works Director/City Engineer. The civil on-site work, as plan reviewed by the Public Works Department, will require an on-site civil engineering permit and inspection.

71. All public improvements shall be guaranteed by written Agreement with the city, Faithful Performance Bond, and Labor and Material men's Bond, to the satisfaction of the Public Works Director/City Engineer.

72. All signing and striping shall be approved and completed as required by the Public
Works Department, and shall be in conformance with current editions of Transportation and Traffic Engineering Handbook, by the Institute of Transportation Engineers, and the State Department of Transportation "Standard Specifications".

73. The project shall connect to the sanitary sewer system and existing septic systems, if any, shall be properly abandoned. Grease interceptors to be added to the system pursuant to the requirements of City of Scotts Valley Municipal Code 13.04.055.

74. Applicant shall comply with SVMC Chapter 16.35 – Dedication of land for Park and Recreation Purposes.

75. Applicant shall pay the cost to accomplish the utility design and construction to underground the telephone, electric power, and television cables in each project contained easement, private or public road frontage. This under grounding of utilities to remove utility poles comes in addition to the state required under grounding of transmission for the project and any new service connections.

76. The final map shall be submitted to the City's Public Works Department on an AutoCAD drawing version 2018 LT or earlier electronic version and .pdf prior to recording.

77. Applicant shall submit electric files for all civil plans (.dwg and .pdf) for review and As-Builts (.dwg and .pdf) when project is completed.

78. Applicant shall submit a completed "segregation of assessment" form for each assessment district in which the subdivision participates.

79. Prior to the filing of the final/parcel map, applicant shall contact the Santa Cruz County Assessor's Office or the Local Agency Formation Commission (LAFCO) to ensure that the subdivided property is within a single tax code.

80. Pursuant to City Council action on March 3, 2010, the Applicant shall conduct a Traffic Impact Study to address the Mount Hermon Road/Scotts Valley Drive and Mount Hermon Road /La Madrona Drive intersections to determine the additional peak hour trips through the intersections. Specifically AM and PM peak hour trips for Mount Hermon Road /Scotts Valley Drive and PM only peak hour trips for Mount Hermon Road /La Madrona Drive. The study will also determine if the additional trips will degrade the Level of Service (LOS) of the intersections. The findings of the study will determine the amount owed for the Mount Hermon Road traffic mitigations fair share contribution. The Applicant shall conclude this study and pay any associated fees prior to tentative map approval.

81. The applicant shall repair any damage caused to the City streets [or the private roadway] by applicant or its contractors, consultants, and/or employees prior to issuance of a certificate of occupancy. A videotape log, DVD format, clearly showing the existing condition of the applicable street to the project site shall be
presented to the Department of Public Works prior to the start of construction. Applicant is advised that, absent clear video evidence to the contrary, road damage must be repaired to the satisfaction of the City prior to issuance of a certificate of occupancy. Damage assessment will be at the sole discretion of the City.

82. Full frontage of Glen Canyon Road and NW lanes of Mount Hermon Road that front the project need full slurry and striping prior to permit sign off, including all bike lanes fronting project need to be updated to latest bike lane and symbols will be thermal plastic treatments approved by DPW.

83. Prior to issuance of building permit, provide letter from City’s hauler, Greenwaste, approving site design and serviceability. 831.768-9505. Project shall be design in compliance with SB1383 requiring collection of 3 waste streams for all customer types. Garbage, Recycle and Compost/Food Waste. Ensure adequate space for cart service (residential) and trash enclosure space (commercial/multi-family.)

Stormwater Management Plan:

84. Applicant shall construct storm drain facilities in conformance with data and analysis in the adopted City of Scotts Valley Storm Drain Master Plan, December 1989 and in accordance with the city’s SWMP Ordinance No. 184.1.

85. A registered civil engineer shall provide storm (hydrologic and hydraulic) calculations for appropriate storm drain facilities to control on-site drainage and mitigate off-site impacts. The design shall follow the criteria contained in the City of Scotts Valley Standard Details and the data and analysis contained in the latest adopted City of Scotts Valley Storm Drainage Master Plan.

86. Development shall not increase the rate of flow (cubic feet per second) or velocity (feet per second) of site run-off water to any off-site drainage areas beyond the measured or calculated pre-project rate and velocity. Impervious area must be shown on coversheet.

See the Stormwater Technical Guide on the Scotts Valley City website for requirements and formatting under Public Works

Dedication of land for Park and Recreational Purposes:

87. Applicant shall comply with SVMC Chapter 16.35 – Dedication of land for Park and Recreation Purposes.

88. Applicant shall pay the cost to accomplish the utility design and construction to underground the telephone, electric power, and television cables in each project contained easement, private or public road frontage. This under grounding of utilities to remove utility poles comes in addition to the state required under grounding of transmission for the project and any new service connections.
89. The final map shall be submitted to the City's Public Works Department on an AutoCAD drawing version 2018 LT or earlier electronic version prior to recording.

90. Applicant shall submit electric files for all civil plans for review and As-Builts when project is completed.

91. Applicant shall submit a completed "segregation of assessment" form for each assessment district in which the subdivision participates.

92. Prior to the filing of the final/parcel map, applicant shall contact the Santa Cruz County Assessor's Office or the Local Agency Formation Commission (LAFCO) to ensure that the subdivided property is within a single tax code.

93. Pursuant to City Council action on March 3, 2010, the Applicant shall modify the Traffic Impact Study to address the Mount Hermon Road/Scotts Valley Drive and Mount Hermon Road /La Madrona Drive intersections to determine the additional peak hour trips through the intersections. Specifically AM and PM peak hour trips for Mount Hermon Road /Scotts Valley Drive and PM only peak hour trips for Mount Hermon Road /La Madrona Drive. The study will also determine if the additional trips will degrade the Level of Service (LOS) of the intersections. The findings of the study will determine the amount owed for the Mount Hermon Road traffic mitigations fair share contribution. The Applicant shall conclude this study and pay any associated fees at the time of tentative map submittal.

94. The applicant shall repair any damage caused to the City streets [or the private roadway] by applicant or its contractors, consultants, and/or employees prior to issuance of a certificate of occupancy. A videotape log, DVD format, clearly showing the existing condition of [the applicable street] to the project site shall be presented to the Department of Public Works prior to the start of construction. Applicant is advised that, absent clear video evidence to the contrary, road damage must be repaired to the satisfaction of the City prior to issuance of a certificate of occupancy. Damage assessment will be at the sole discretion of the City.

95. Full frontage of Glen Canyon Road and NW lanes of Mount Hermon Road that front the project need full slurry and striping prior to permit sign off, including all bike lanes fronting project need to be updated to latest bike lane and symbols will be thermal plastic treatments approved by DPW.

96. Prior to issuance of building permit, provide letter from City’s hauler, Greenwaste, approving site design and serviceability. 831.768-9505. Project shall be design in compliance with SB1383 requiring collection of 3 waste streams for all customer types. Garbage, Recycle and Compost/Food Waste. Ensure adequate space for cart service (residential) and trash enclosure space (commercial/multi-family).
Scotts Valley Fire Protection District

97. All structures shall be protected by a fire sprinkler system. Systems shall be appropriately designed in accordance with Chapter 9 of the California Fire Code and the National Fire Protection Association (NFPA) Standards. The standard will be dependent upon which building is to be protected.

98. All structures shall be protected by an automatic manual fire alarm system designed and installed in accordance with Chapter 9 of the California Fire Code and NFPA 72.

99. All residential units shall also have low frequency audible devices installed for annunciation of any general alarm.

100. Each commercial suite shall have at minimum 1 (one) manual pull station installed.

101. All residential units designated as ADA Compliant shall also have audio/visual notification for occupants upon annunciation of any general alarm.

102. Buildings obtaining commercial suites may also be subject to the installation of an Emergency Responder Radio Coverage system in accordance with section 510 of the California Fire Code. This requirement will be dependent on type(s) of construction.

Scotts Valley Water District (SVWD)

103. The Scotts Valley Water District shall review a detailed landscape irrigation plan prior to the issuance of a building permit from the City of Scotts Valley.
Date: June 9, 2022

Applicant / Property Owner: Charlie Eadie/Granum Partners

Applications: Environmental Impact Report EIR19-004
General Plan Amendment GPA18-001
Zone Change ZC18-001
Planned Development PD18-002
Minor Land Division MLD18-003
Design Review DR18-007

Location: Intersection of Mt. Hermon Road and Glen Canyon Road/APN 022-162-76

General Plan / Zoning: Service Commercial / C-S

Environmental Status: Environmental Impact Report (EIR) was circulated for public review October 11- November 30, 2021, in accordance with the California Environmental Quality Act (CEQA)

Request: Consideration of an Environmental Impact Report, General Plan Amendment (GPA), Zone Change, Planned Development Zoning and Planned Development Permit, Design Review application and a Minor Land Division to allow for the construction of a mixed use commercial and residential development on a 3.56-acre site at the intersection of Glen Canyon and Mt. Hermon Road. Project land uses include 24,973 square feet of commercial, eight townhomes, and 44 apartments.

Staff Planner: Susie Pineda, Consulting Planner, (408) 331-7987
spineda@m-group.us

STAFF RECOMMENDATION

Staff recommends that the Planning Commission hold a public hearing and provide comment and direction on the proposed project.
BACKGROUND

The project site (APN: 022-162-76) is located at the northeast intersection of Glen Canyon Road and Mt. Hermon Road (Attachment 1 - Location Map).

The project site was previously approved for a three-lot subdivision to build three commercial buildings in 1991, however, the project was never constructed. In 1997, the City approved the Oak Creek Park Business Center to create three lots and build three commercial buildings (two 2-story buildings and one 1-story building). The one-story building was built at 3600 Glen Canyon Road. The approved two 2-story buildings (approx. 48,000 square feet) were not built.

In 2008, the Planning Commission recommended to the City Council for approval the Oak Creek Mixed-Use Planned Development project for two one-story commercial buildings (24,500 sf.) and a three-story, 10-unit townhouse building. However, due to a potential legal challenge, the public hearing was continued to a date uncertain and the City Council did not consider the proposed development.

PROJECT DESCRIPTION

The subject site is an approximately 3.6-acre, vacant lot, located at the intersection of Mt. Hermon and Glen Canyon Roads (see Location Map, attached). The site slopes upward to the northeast to the rear yards of single-family homes on Lucia Lane. The site is currently vacant and supports annual grassland, a small patch of coastal prairie, coast live oak tree groves, a poison oak thicket, and non-native tree groves. An overhead electrical transmission line extends generally east to west over the southern portion of the site and includes a steel monopole adjacent to Mt. Hermon Road.

The project fronts on Mt. Hermon Road which is one of the busiest commercial corridors in Santa Cruz County. Across Mt. Hermon Road are commercial uses comprised of small businesses, such as a coffee shop, restaurant, yoga studio, salon, gas station and laboratory equipment suppliers. North of the project site are 19 residential residences known as The Terrace Planned Development. Northeast of the site are single-family residences. Southeast of the project site is a one-story commercial building.

The project is a mixed-use commercial and residential development. Project land uses include 24,973 sf. of commercial (e.g. retail and office), eight townhomes, and 44 apartments.

The project proposes to subdivide the existing 155,350 sf parcel into two lots. Proposed Lot 1 is approximately 45,250 sf and would include eight townhome style, 3-bedroom apartments housed within two separate buildings (Buildings C and D). The proposed density is 7.7 units per acre, which conforms to the City’s density standard of 6-9 units per acre for the R-M-6 Medium High Density residential zoning district. Façade treatments for both buildings include a sloped standing seam metal roof, painted
gutters, wood balcony railings, painted shingle siding, painted fiberglass windows and doors and painted stucco chimneys.

Lot 2 is approximately 110,100 sf and also includes two buildings, Building A and Building B. Building B would consist of 9,910 sf of commercial use which fronts Glen Canyon Road, and Building A includes 14,931 sf of ground floor commercial space, for a total of 24,973 sf of commercial use on Lot 2. Surface parking and 12’ wide sidewalks would separate Buildings A and B, creating a “main street” commercial core. The residential units are located to the rear of the project site, on the third and fourth floors of Building A, above the commercial space. The proposed residential uses include a mix of apartments (4 studios, 18 one bedroom, and 22 two bedrooms) for a total of 44 units located on two levels. The studio and one bedroom apartments range in size from 712 sf- 906 sf, and the two- and three- bedroom units range in size from 1,184 sf to 2,172 sf. Façade treatments for both Buildings A and B include painted wood and sheet metal parapet, painted stucco siding, aluminum storefront windows and doors and a sloped standing seam metal roof.

Pursuant to the Scotts Valley Municipal Code the project is required to designate 15% of the housing units as affordable. Of the proposed 52 units, the project is required to provide seven affordable units and pay in-lieu fees of 0.80 of a unit. The income-levels of the units requires review and recommendation by the City Council affordable Housing Subcommittee. Before City Council review, the applicant will submit proposed income-levels for review by the City Council Affordable Housing Subcommittee for recommendation to the City Council.

The following objectives have been identified by the project applicant for the project:

1. Provide a balanced mix of residential and commercial uses that integrate into the existing urban setting and provide a safe and attractive environment for living and working.
2. Create a high-quality mixed-use development that is visually and aesthetically compatible with adjacent land uses.
3. Expand and improve the City’s housing supply by developing high-quality housing on a City-designated “opportunity site.”
4. Provide affordable and market-rate housing consistent with the City of Scotts Valley General Plan Housing Element goals and policies.
5. Provide a mix of residential and commercial uses that achieves a financially feasible project.
6. Provide commercial uses that provide net financial benefits to the City of Scotts Valley.
7. Provide a project that balances housing with job-creating uses.
8. Develop a project that supports the success of the commercial uses through careful site planning and infrastructure design.
9. Develop vacant and underutilized land in an urban area.
10. Locate commercial and residential uses where such uses can take advantage of existing infrastructure and utilities.
11. Provide and improve pedestrian connections within the project and across adjacent arterial streets to facilitate pedestrian activity between neighborhoods and within the development.

PROPOSED ENTITLEMENTS

The project requires the following planning permits:

1. Environmental Impact Report Certification – to address environmental impacts per the California Environmental Quality Act (CEQA)

2. General Plan Amendment – to change the existing land use designation on Lot 1 from Service Commercial to Medium High Residential

3. Zone Change – to change the zoning on Lot 1 from Service Commercial (C-S) to Medium High Residential (R-M-6)

4. Planned Development Zoning – to add a zoning overlay on Lot 1 Medium High Residential/Planned Development (R-M-6/PD) and Lot 2 Service Commercial/Planned Development (C-S/PD) to allow for exceptions to the zoning regulations and to allow tailored development standards to fit the needs of the project

5. Minor Land Division – to create two lots

6. Planned Development permit / Design Review – to evaluate the architecture and related site improvements

The following sections provides a discussion of the relevant planning, entitlement and environmental issues associated with the proposed project.

General Plan

General Plan Amendment

The project site is designated as Service Commercial under the City of Scotts Valley General Plan. As defined in the City’s General Plan, the Service Commercial designation is intended for commercial and service-related land uses. Land uses permitted under the Service Commercial designation allow retail stores and shops, food and motel/hotel establishments, services such as printing shops and electrical repair shops, heating and ventilating shops. Very high density mixed use residential uses at a density range of 15.1 to 20 units/acre are also permitted, providing adjacent uses are compatible and the residential is secondary to the retail use.

The proposed project includes a General Plan Amendment to re-designate Lot 1 from Service Commercial to Medium High Residential which allows for a density range of 5 to 9 units per acre. Lot 1 is approximately 45,250 sf, resulting in a maximum allowable
density of nine dwelling units per acre. Eight townhomes are proposed for Lot 1 and the resulting density would be 7.7 DU/acre.

Lot 2 would remain Service Commercial and be 110,100 sf in area and be comprised of 24,973 net sf of commercial and 55,055 sf of residential. The residential density would be 17.4 DU/acre. The total average density on the entire project site would be 15.1 dwelling units per acre.

When considering a General Plan Amendment, the City must find that the project is in the public interest.

General Plan Consistency

Per the General Plan, Service Commercial land use requirements allow mixed use residential provided that adjacent uses are compatible and the residential use is secondary to the retail use. As proposed the development plan for Lot 1 is not consistent with this requirement as shown on the following table.

<table>
<thead>
<tr>
<th>Use</th>
<th>Square Footage</th>
<th>Ratio</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commercial</td>
<td>24,973 sf</td>
<td>24,973 sf/80,028 sf = 31.2%</td>
</tr>
<tr>
<td>Residential</td>
<td>55,055 sf</td>
<td>55,055 sf/80,028 sf = 68.8%</td>
</tr>
</tbody>
</table>

As illustrated in the table above, the residential land use comprises nearly 70% of the land use, which is not consistent with the General Plan. The purpose of the secondary requirement is to ensure that the commercial function of the property is retained.

In the City of Scotts Valley, floor area ratio is calculated as the total horizontal area, in square feet, on each floor within the exterior walls of a structure, but not including the area of inner courts, shaft enclosures or exterior walls. This was confirmed by the Planning Commission at an appeal hearing in December 2017. At that time, the Commission affirmed that commercial uses should be the primary use and that this method is an important way for the City to implement, promote, and protect the availability of its commercial zones, as called for in General Plan Land Use Element Policy LP-28. This is even more important due to the location of the project on one of the busiest commercial corridors in Santa Cruz County.

On Sheet A1.1 of the plan set, the applicant shows several calculations for mixed-use ratios based not only on this method, but also a variety of alternate calculations that create substantial confusion about the actual percentages. For clarity purposes, the Planning Department requested that the alternate calculations be removed from the plans and be included as a separate attachment, but the applicant did not comply. Projects proposed in Scotts Valley are required to comply
with City requirements and the only Mixed-Use Ratio calculation that is consistent with these requirements is Alternative 2, labelled ‘Mixed Use Ratio (Based on Area By Function)’ as summarized in the table above.

In response to conversations with the Planning Department about the secondary requirement, the applicant felt that the project as proposed was preferred based on the following reasoning:

> *If the site did not include housing, or included fewer units, all parking would be located in surface lots because commercial development alone would not support the cost of a parking structure. In that case, the amount of commercial space would be nearly identical (25,000 square feet) but the housing opportunity would be almost entirely lost. The housing does not compromise the commercial opportunity, in fact, it provides a base of residents to support the commercial uses on the site.*

Despite the applicant’s preferences, the City’s General Plan and Zoning Code are clear about the parameters under which residential uses can be located within the Service Commercial areas in order to preserve the commercial base of the City.

**General Plan Housing Element**

While reviewing the project the Planning Department identified an additional way to process the application that would not require adherence to the secondary requirement. This method would be at the discretion of the Planning Commission and City Council.

In the City’s 2015 – 2023 Housing Element, the subject site is identified as one of six Opportunity Sites that have zoning and development standards, infrastructure, and public facilities in place to accommodate the construction of new housing. These criteria allow high-density residential as part of a mixed-use project and this site was estimated to accommodate 10 units, two low income affordable units and eight market units.

The Planning Commission and City Council could interpret the Opportunity Site designation as an indicator that additional residential area would be an acceptable method of implementing the goals and objectives of the General Plan provided development standards, infrastructure and public facilities can accommodate the development. The Opportunity Site designation would allow for greater flexibility regarding the commercial/residential area ratio and could also be an opportunity to require additional affordable units. A decision to interpret the General Plan in this way would be unique to this property, as other properties with this designation in the Housing Element have already been developed.

By interpreting the "Opportunity Site" designation in this way the Planning Commission and City Council could allow the residential area of the site to exceed the secondary requirement and still be in compliance with the General Plan.
General Plan Circulation Element

The Scotts Valley General Plan Transportation Element Action CA-149 has established a threshold of LOS D for Mt. Hermon Road / Scotts Valley Drive and Granite Greek Road / Scotts Valley Drive. All other signalized intersections are required to maintain a LOS of C or better, per CA-150.

As stated in the City of Scotts Valley Guide for the Preparation of Traffic Impact Studies (2003), the City of Scotts Valley considers intersections with LOS C or better under “Existing Conditions” to be operating at an acceptable level. For intersections operating at LOS C or better under “Cumulative Conditions,” a project would cause a deficiency if it would result in intersection operations of LOS D. This criteria is applied to signalized intersections within the City’s jurisdiction, as well as Caltrans intersections.

The proposed project is expected to generate 1,678 net new daily trips, with 206 net new trips (130 in and 76 out) occurring during the AM peak hour and 126 net new trips (60 in and 66 out) occurring during the PM peak hour. Please see the “Transportation” section of the Draft Environmental Impact Report for a complete discussion of traffic related elements of the project (https://www.scottsvalley.org/358/Oak-Creek-Park---Mixed-Use-Development).

The Traffic Impact Study for the project identified several impacts associated with the project. Below is a summary of the issues and how they could be addressed. The Planning Commission and City Council will need to make a determination that the project is in the public interest and that the benefits outweigh the identified traffic impacts.

Mt. Hermon Road / Scotts Valley Drive (Existing + Project Conditions)

The Traffic Impact Study concluded that all intersections operate at acceptable levels of service under the “Existing + Project Conditions” during the weekday AM and PM peak hours with the exception of the Mt. Hermon Road / Scotts Valley Drive intersection. It Would degrade from acceptable LOS D to and unacceptable LOS E during the AM Peak. The addition of project traffic to the intersection to Scotts Valley Drive / Mt. Hermon Road would result in an average delay from 54.7 to 56.7 seconds (a two second increase).

Given the fact that the existing right-of-way is fully utilized, future constructed improvements at this intersection are limited without acquiring additional land and making major modifications to the infrastructure, which would be prohibitively expensive. Payment by the applicant of their fair-share traffic impact mitigation fee and other City improvements would help fund other improvements such as traffic signal controllers, which would improve the LOS. Implementation of the recommended signal timing devices from Mt. Hermon Road/Lockewood Lane west to the Mt. Hermon Road / La Madrona Drive / SR 17 Southbound off-ramp intersection would improve operations.
to LOS D or better in AM and PM peak hours at the intersection of Mt. Hermon Road / Scotts Valley Drive.

**Mt. Hermon Road / La Madrona Road / SR 17 Southbound Off-Ramp - Cumulative + Project Conditions:**

The Traffic Impact Study concluded that all study intersections operate at acceptable levels of service under the Cumulative + Project Conditions during the weekday AM and PM peak hours except for:

- **Mt. Hermon Road / Scotts Valley Drive (Intersection #2)**
  - Would continue to operate at LOS E during AM Peak
- **Mt. Hermon Road/ La Madrona Drive-Hwy 17 SB Ramps (Intersection #4)**
  - Would continue to operate at LOS D during AM Peak
  - Would continue to operate at LOS D during PM Peak
- **Mt. Hermon Road / Project Driveway (Intersection #7)**
  - Would operate at LOS D during AM Peak

The addition of project traffic to the intersection to Mt. Hermon Road / La Madrona Road / SR 17 Southbound Off-Ramp would cause slight increases in delay (less than 5 seconds) during the AM and PM peak hours. Improvements to signal timing would improve the condition from LOS D to C during the AM peak hour. However, the LOS would remain at LOS D during the PM peak hour due to ramp delays, which is not consistent with Caltrans which endeavors to maintain a target LOS at signalized intersections at the transition between C and D.

The Scotts Valley Town Center Specific Plan EIR identified a second westbound right-turn lane on the SR 17 off-ramp as mitigation for deficient operations at Mt. Hermon Road / La Madrona Road / Hwy 17 Ramps (Mitigation Measure T-1). However, as noted in the Draft EIR, even with this improvement, the intersection would continue to operate at LOS D, which is not sufficient to meet Caltrans LOS C/D standard.

Because no further feasible mitigation could be identified to avoid the future cumulative delays, the Scotts Valley Town Center Specific Plan EIR determined that this impact would remain significant and unavoidable.

The intersection of Mt. Hermon Road / Project Driveway is expected to operate at LOS D during the PM peak hour; however, this intersection does not satisfy signal warrant and is located to close to the Mt. Hermon Road / Glen Canyon Road intersection, and therefore no improvement is recommended.

The Planning Commission and City Council would need to determine that the proposed improvements are feasible, that the project is in the public interest and that the benefits outweigh the identified traffic impacts.

**Zone Change and Planned Development Zoning**
The proposed project includes a zone change for Lot 1 from Service Commercial (C-S) to Medium High Residential/Planned Development (R-M-6/PD). The R-M-6 classification is intended to provide areas for single-family subdivisions and multi-family developments.

Planned Development zoning is proposed for both Lots 1 and 2. According to the General Plan, the purpose of Planned Development Zoning is to provide the means to tailor zoning regulations and to apply specific standards for the development of a particular site. This process enables the City Council to consider the unique characteristics of a site and its surroundings to better implement the citywide objectives, goals and policies of the General Plan and to provide site-specific development standards. Anytime Planned Development zoning is utilized, the standards established for the zoning district, which reflects the General Plan designation are tailored as part of a planned development. Tailored zoning regulations include, but are not limited to, lot size and shape, intensity, coverage and appearance of structures.

As proposed the project requires various exceptions from the R-M-6 and C-S Zoning district regulations. The requested exceptions and analysis are discussed in various sections below.

**Minor Land Division**

The project includes the subdivision of the existing 155,350 square foot parcel into two lots. Proposed Lot 1 is approximately 45,250 sf and would include eight townhome style (Buildings C and D).

Proposed Lot 2 is approximately 110,100 sf and also includes two buildings, Building A and Building B. Building B would consist of 9,910 sf of commercial use which fronts Glen Canyon Road, and 14,931 sf of ground floor commercial space within Building A, for a total of 24,841 sf of commercial use on Lot 2.

As designed the project requires shared amenities like access roads and parking between the commercial and residential portions of the project. Since the project spans two lots, it is possible that they could be sold separately. The only way to ensure that the shared amenities are managed and maintained in perpetuity is through a legal agreement. Such an arrangement would need to be reviewed and approved by the City, ideally in conjunction with these project entitlements. The applicant has not provided a proposal for this aspect of the project.

**Planned Development Permit/Design Review**

The project is required to obtain both Planned Development Permit and Design Review approvals. The development regulations in the zoning code provide the framework for evaluating the proposed project. The following development standards, as defined in the zoning code, apply to the project:
Lot 1 - Multiple Residential Zoning District Regulations (R-M-6)

<table>
<thead>
<tr>
<th>Land Use Designation</th>
<th>R-M-6</th>
</tr>
</thead>
<tbody>
<tr>
<td>Primary Uses</td>
<td>Multi- and single-family dwellings</td>
</tr>
<tr>
<td>Front setback</td>
<td>20’</td>
</tr>
<tr>
<td>Side setback</td>
<td>10% lot width, max of 6’</td>
</tr>
<tr>
<td>Rear setback</td>
<td>15’</td>
</tr>
<tr>
<td>Building Height</td>
<td>Max = 35’</td>
</tr>
<tr>
<td>Building coverage</td>
<td>Max = 55%</td>
</tr>
<tr>
<td>Parking</td>
<td>2 spaces per unit, plus one additional space for every five units</td>
</tr>
</tbody>
</table>

Lot 2 – Service Commercial Zoning District Regulations (C-S)

<table>
<thead>
<tr>
<th>Land Use Designation</th>
<th>C-S</th>
</tr>
</thead>
<tbody>
<tr>
<td>Primary Uses</td>
<td>Retail, business, personal service establishments, medical, professional and general business offices</td>
</tr>
<tr>
<td>Front setback</td>
<td>20’</td>
</tr>
<tr>
<td>Side setback</td>
<td>0’</td>
</tr>
<tr>
<td>Rear setback</td>
<td>20’ when abutting a Residential district</td>
</tr>
<tr>
<td>Building Height</td>
<td>Max = 35’</td>
</tr>
<tr>
<td>Building coverage</td>
<td>Max = 45%</td>
</tr>
<tr>
<td>Parking</td>
<td>1 space per 250 sf of floor area</td>
</tr>
</tbody>
</table>

The existing C-S zoning district designation allows very high-density mixed use residential uses at a density range of 15.1 to 20 units/acre, provided adjacent uses are compatible, the multiple family dwellings are located either above the ground level commercial use or at ground level at the rear of a commercial space.

Additionally, the Mount Hermon Road Design Guidelines and Commercial and Industrial Design Guidelines are applied by the City through the design review process. The design review process includes project review by City Staff, Planning Commission, and City Council. This review serves as a basis for evaluating proposals for quality of design. The City’s review process is designed to encourage the highest level of design quality, while at the same time provide the flexibility necessary to encourage creativity on the part of the project designers. The overall objective is to ensure that the intent and spirit of the guidelines are followed.

The project site is located in an existing urban setting along Mount Hermon Road and serves as a gateway that breaks up a long commercial corridor. With thoughtful and intentional design, development on this parcel can serve as an important gateway to the City’s commercial core area, which invites shoppers, protects the natural and man-made features which distinguish Scotts Valley and accentuates the urban forest theme.

With this goal in mind, the following sections of the staff report include a discussion of
the proposed exceptions, as well as several design issues that the Planning Department identified during the design review process and the applicant chose not to incorporate for a variety of reasons.

The applicant’s rationale is included as a part of the discussion. The Planning Department is requesting Planning Commission input and direction on the following exceptions and design issues.

**Site Design**

Existing development along Mt. Hermon Road is generally set back from the street frontage and includes a variety of one- and two-story commercial buildings, surface parking lots, vacant lots and landscaping. Further north on Mt. Hermon Road (past Scotts Valley Drive), the built form is more developed with paved parking lots and one-story commercial buildings, typical of a suburban streetscape.

The proposed townhomes on Lot 1 and commercial building (Building B) on Lot 2 are proposed to be set back a minimum of 20 feet from Mt. Hermon Road and Glen Canyon Road and includes landscaping to help soften their appearance. Building B fronts Mt. Hermon Road and is consistent in scale and height with the one-story office building to the east. The parking lot (located between Buildings A and B) will have landscaping and most of the parking spaces will be screened by buildings or will be set back from Mt. Hermon Road to minimize street views of parked cars.

Building A, situated behind Building B on the project site, is proposed to be a mixed-use building with two residential levels over two levels of parking/commercial uses. To help reduce mass and height, the existing hillside would be graded so that a portion of the parking structure would be below grade. The building architecture includes sloped rooflines, articulated with varied forms, patterns, and massing. Building materials would consist of painted wood, stucco, exposed concrete, stone veneer, standing seam metal roofs, and aluminum and fiberglass windows.

The proposed project would require a number of exceptions which will be discussed in further detail below. As a general rule, if an exception is proposed, the result should be a superior project. The Planning Department requests Planning Commission input and direction on the following site design issues:

*Location of Townhomes – Lot 1*: The proposed multi-family dwellings may not be appropriate fronting a busy commercial corridor, and, in addition, if the multi-family dwellings are moved away from Mt. Hermon Road, it may negatively impact the residents on Lucia.

The applicant believes that the placement of the townhouses on Lot 1 is a superior design because it works with the site topography. In contrast, the previous proposal required several retaining walls and extensive grading which consequently reduced landscaping opportunities.
While the current design does work with the site topography, the Planning Department believes the larger issue is whether or not residential use is appropriate at this site at all. Planning Staff has concerns about the residential interface with the existing gas station, the high traffic volumes on Mount Hermon Road, the busy intersection at Mount Hermon Road and Scotts Valley Drive, and the additional traffic that would be generated by the proposed mixed-use portion of the project. Mount Hermon Road is one of the busiest commercial corridors in Santa Cruz County. Residential use situated this close to these land uses will create a loud and busy living experience for the residents.

If the residential uses are setback on the project site, the project could impact residents on Lucia Lane. During the design review process, Planning Staff requested that the applicant provide photo simulations to help assess the impacts (Refer to Sheet A1.3). While they are helpful, it is important to note that they do not accurately represent the impacts to 107 Lucia Lane, which is situated much closer to the rear property line of the proposed development (please refer to the building footprints shown on Sheet C0.1, specifically APN 022-162-64).

The Planning Department believes that the site is better suited for commercial use because the residential use is incompatible with the adjacent gas station, the high traffic volumes on Mount Hermon Road, the busy intersection at Mount Hermon Road and Scotts Valley Drive., and the additional traffic that would be generated by the proposed mixed-use portion of the project. Since this parcel is located along a busy, highly visible commercial corridor, it has potential to create a number of successful business opportunities.

**Setback Exception – Townhomes Lot 1:** The hillside development standards are required to be met for the residential use on Lot 1, with a slope greater than 10%. Pursuant to SVMC Section 17.40.060(6)), one foot shall be added to each side yard for each one foot of height above which the top plate line exceeds fifteen feet in height.

As proposed, the west elevation, shown on Sheet A5.1 of the plan set shows the top plate measures 19-feet, therefore an additional four feet would be required, resulting in a 14-foot side setback in between Buildings C and D.

The Planning Department believes the setback exception could be acceptable, as proposed, at 10’ as long as it is not further reduced.

**Side setback exception – Townhomes Lot 1:** The hillside development standards are required to be met for the residential use on Lot 1, with a slope greater than 10%. Pursuant to SVMC Section 17.40.060(6)), one foot shall be added to each side yard for each one foot of height above which the top plate line exceeds fifteen feet in height.

As proposed, the project would require a reduced side yard setback at the northwest corner of Building D. The zoning code requires 10’, and the project proposes 3’.
The applicant believes that the reduced side yard setback is acceptable at this location because the adjacent lot is an unbuildable steep hillside. The gas station is 100' away and the hillside is dominated by mature trees.

The Planning Department does not support an exception to the setback requirement at this location because the setback creates an important buffer between the residential use and the gas station.

**Height Exception – Townhomes Lot 1:** The R-M-6 zoning district allows a maximum height of 35' and the proposed height for the townhouses (Buildings C and D) is shown as 41 feet on the west elevation, and 35.5 feet on the east elevation. (Refer to Sheet A5.1). The zoning code defines height as the vertical distance from the highest point of a structure to either the natural grade or the finished grade of the structure pad, whichever distance is greater, excluding basements or crawl spaces around the structure which are below grade and not created by a fill, provided, however that for the purposes of measuring height, chimneys, flagpoles and radio and television aerials shall not be considered part of the structure.

The applicant has shown height on the plans, not only based on the zoning code definition, but also based on an alternate height calculation, set forth in the Uniform Building Code. For clarity purposes, the Planning Department requested that the alternate method for calculating height be removed from the plans, but the applicant did not comply. Proposing a building code standard is not interchangeable with a zoning code development standard for a planning project. In order to approve this project, as proposed, a height exception would be required.

The Planning Department could support the exception provided the townhomes are located in the right context. As previously discussed, the Planning Staff has concerns about the residential interface with the existing gas station, the high traffic volumes on Mount Hermon Road, the busy intersection at Mount Hermon Road and Scotts Valley Drive, and the additional traffic that would be generated by the proposed mixed-use portion of the project.

**Site Coverage Exception - Townhome Development – Lot 1**

Pursuant to SVMC Section 17.12.040(C), the maximum allowable site coverage in the R-M-6 zoning district is 55%. The zoning code defines site coverage as the percentage of site area covered by impervious surfaces, including all structures, open or enclosed or projections of structures.

The total site coverage for Lot 1 is calculated by adding all impervious areas and dividing by the overall square footage of the lot. Using the information provided in the project data table on Sheet A1.1, the total site coverage is approximately 60%. As proposed, the project would require an exception.
The Planning Department recommends incorporating more permeable surfaces to meet the requirement.

**Height Exception - Mixed Use Development Lot 2:** Development standards in the C-S zoning district allow for a maximum building height of 35’ and the height of Building A is approximately 45’-4”. In order to approve this project, as proposed, a height exception would be required. As a part of the design review process, the Planning Department requested site sections to study the relationship between the proposed new development and the existing adjacent residences (Refer to Sheet A6.1). While the sections are helpful, it is important to note that using 115 Lucia Lane as a point of reference is misleading because it is situated above the townhouses, not Building B/the apartments, which are taller.

The applicant believes that the increased height only affects the internal commercial street and creates a town center feel allowing for additional floor to ceiling heights in the ground floor commercial space.

The Planning Department is not opposed to a height exception at this location, provided the proposed project includes high quality architectural finishes, the massing is broken appropriately and it works in the overall context of the project.

**Front Yard Setback Exception - Mixed Use Development Lot 2:** Pursuant to SVMC Section 17.20.040(F)(1), the mixed-use development on Lot 2 requires a 20’ front yard setback. As proposed, the southwest corner of Commercial Building B, encroaches approximately 1’ into the required setback area.

The applicant believes that the encroachment is trivial and should not require an exception.

Planning Department acknowledges that the encroachment is minimal however, in order to be built, an exception must be granted.

**Restaurant Seating Area - Mixed Use Development - Lot 2:** The proposed project includes an on-grade terrace situated in front of Building B, at the corner of Mount Hermon Road and Glen Canyon Road. The Planning Department has recommended relocating this terrace to the interior of the project site, between Buildings A and B to protect customers from the traffic noise generated by the busy streets and contribute to the vitality of the streetscape within the project.

The applicant believes that the most public place within the development is the corner of Glen Canyon and Mount Hermon Roads and situating the gathering space on this corner helps to create an active, welcoming environment.

The Planning Department agrees gathering spaces enliven a project and for this reason, Staff believes it would be better located on the south side of Building B, between the two commercial buildings. The life and vibrance that the gathering space
would bring to the project would have more of an impact on the shoppers than it would on the vehicles travelling down the busy corridors. In addition, this location would provide shelter from the traffic at the intersection of Mount Hermon and Glen Canyon Roads, creating a more pleasant experience.

Pedestrian Amenities - Mixed Use Development Lot - 2: The Mount Hermon Design Guidelines encourage site design, access and circulation that are pedestrian friendly and incorporate gathering and resting area throughout the project site. This should include amenities such as water features to reduce noise, wood trellises to provide shade and enhanced paving materials on paths and driveways.

The applicant believes they have satisfied the requirements of the design guidelines by providing an on-grade terrace fronting Glen Canyon Road and Mount Hermon Road and that if the tenants within the commercial buildings wanted additional seating, they could arrange seating areas on the sidewalks in front of their business. The applicant believes that permanent fixed seating throughout the project would attract behavior problems and is only beneficial in an enclosed location. The applicant has also explained that they do not want to include textured paving materials because they believe they are uncomfortable for people with disabilities and they prefer not to use colored paving materials because they are difficult to repair and match over time.

While the proposed project includes an on-grade terrace, the Planning Department recommends adding additional seating throughout the project. Relying on individual businesses to provide seating on the sidewalks is not good practice because there is no way to ensure it would be provided, and the sidewalks are not wide enough to accommodate these amenities in many places. The Planning Department also recommends incorporating enhanced paving materials, or decorative pavers to connect Buildings A and B, at the entry driveways, and to differentiate crosswalks within the parking lot. Enhanced paving materials are commonly used in projects without issue. This attention to detail helps create a stronger sense of place and an enhanced pedestrian experience.

Architecture

Building, site design, landscaping and signage are required to be consistent with the Mt. Hermon Road Design Guidelines, the Commercial and Industrial Design Guidelines and the Residential Design Guidelines. The Guidelines recommend that new projects include architectural/design elements consistent with the urban forest theme, utilizing large post and beam design with open beam overhangs and interiors to give structures the appearance of stability and break up monotony.

The Façade treatments for both commercial Buildings A and B do not utilize large post and beam design encouraged in the Design Guidelines, rather the proposed architecture includes painted wood and sheet metal parapets, painted stucco siding, aluminum storefront windows and doors and a sloped standing seam metal roof. The Planning Department has the following concerns/recommendations as described in the
following sections.

**Architectural Enhancement - Mixed Use Building A - Lot 2:** The Design Guidelines recommend building materials with an urban forest theme, preferably with large post and beam design. The proposed project includes horizontal siding on the north, east and west elevations. The design guidelines recommend a consistent architectural treatment with character, variety and interest on all elevations. Walls longer than thirty feet should have 3-dimensional architectural relief giving the appearance of depth through the use of trellis, dormers, bay windows, awnings, etc., in addition to changes in materials.

The applicant believes that the architecture for the proposed project is adequate because, in addition to the horizontal siding, the design incorporates wood trim around the doors and windows, wood balconies with steel railings, metal gutters and roofs and cement plaster walls at the base of the walls on the east, west and north elevations.

The Planning Department recommends the applicant incorporate additional design features and further architectural enhancement for added visual interest.

**Architectural Enhancement - Commercial Building B - Lot 2:** The Design Guidelines encourage a prominent main building within a commercial development. Since the project site is an important gateway to the City’s commercial core area, the Planning Department recommends that the center of Commercial Building “B” be an area of visual interest for this prominent corner.

The applicant believes that the proposed design includes an important focal point because the center of Building B is the tallest element which features a stone wall and umbrellas, and the landscaping frames the dominant building shapes.

The Planning Department recognizes that the proposed project includes a focal point however staff recommends that the applicant incorporate additional design features and architectural enhancement to create more visual interest.

**Architectural Enhancement - Commercial Building B - Lot 2:** The Planning Department recommends the design include greater architectural detail on the east and west elevations to add visual interest to the highly visible elevations (refer to Sheet A4.1). The design guidelines recommend a consistent architectural treatment with character, variety and interest on all elevations. Walls longer than thirty feet should have 3-dimensional architectural relief giving the appearance of depth through the use of trellis, dormers, bay windows, awnings, etc., in addition to changes in materials.

The applicant believes that the elevations are richly varied, as designed, and do not warrant further detail.

The Planning Department recommends the applicant incorporate additional design features and further architectural enhancement for added visual interest.
Circulation

Vehicular access to the project site would be from a new driveway on Mt. Hermon Road (right in/right out only) and existing driveway on Glen Canyon Road. Pedestrian access to the project site is available along Glen Canyon Road and Mt. Hermon Road. Sidewalks are proposed to be constructed on the project site and would connect with the existing sidewalks along Glen Canyon Road and Mt. Hermon Rd.

On-Site Circulation – Mixed Use Development - Lot 2: The Planning Department is concerned about traffic circulation on site. As designed, vehicles would be driving through the parking lots to reach their destinations. Staff is concerned about overall congestion on the site as vehicles maneuver to enter and exit parking stalls and the ensuing congestion that it will create, potentially creating backups on Mount Hermon Road or Glen Canyon Road.

The applicant responded with a letter from their project traffic engineer which concluded that with five vehicles of storage capacity and a low entering vehicle volume, it is unlikely that drivers leaving the existing parking area would spill back onto Glen Canyon Road.

While the Planning Department appreciates the additional information provided by the applicant, staff is concerned about overall congestion that would result from the project, not only on the major streets but within the project site. The Planning Department has not identified a solution to this problem. Addressing it would require a redesign of the project, which may suggest that the proposed development is too intensive for this site.

Truck Loading Area – Mixed Use Development - Lot 2: The truck loading area is a pull out on the western side of Building A. The drive aisle itself is 20’ and the pull-out area measures 12’ wide. While it is accommodated on site, the Planning Department is concerned about how it would function and how the trucks would maneuver on site. As proposed, the trucks would pull into the loading area heading northwest and exit by backing into the 26’ drive aisle in the lower parking lot in front of Building A (Refer to Sheet A2.0). Vehicles would then exit northbound to Mt. Hermon Road.

Good planning practices would prefer that the loading area be a dedicated, separate area, or at least an area with lower traffic volumes. The Planning Department has not identified a solution to this problem. Addressing it would require a redesign of the project, which may suggest that the proposed development is too intensive for this site.

Parking

The proposed project has been designed to accommodate 208 parking spaces. Buildings C and D (townhomes) have in-unit garages on the first floor that provide two parking spaces per unit, for a total of 16 spaces. Building A includes 21 commercial and 101 residential parking spaces, three of which will be handicap accessible, 58 spaces are provided in the surface lot between Buildings A and B and the 18 spaces in the...
upper lot are proposed to be shared, which would necessitate a shared parking agreement, and will be discussed in greater detail below.

**Townhome Development – Lot 1:**

The total parking demand for the townhouses is calculated as 8 units x 2 spaces per unit for a total of 16 spaces, plus 1 space for every five units to accommodate guest parking. Buildings C and D have in unit garages on the first floor that accommodate 2 spaces per unit, and an additional 18 spaces are provided in the parking lot, two of which are required for guest parking. (Please note that there is an error in the parking data table on Sheet A1.1. The table indicates that each townhouse garage would provide only 1 space per unit, but as designed, each townhouse garage will provide two parking spaces per unit.)

While the multifamily parking requirement has been applied to Lot 1, it is important to note that the proposed townhomes will function more like single family dwellings, despite the current ownership proposal where they cannot be individually sold.

While it is not required, the Planning Department believes it would make sense to consider additional parking on Lot 1 for the townhomes, or have a plan for shared parking with Lot 2 to accommodate future parking needs. A future shared parking arrangement would need to be reviewed and approved by the City, ideally in conjunction with these project entitlements.

**Exception to Interior Garage Dimensions:** Pursuant to SVMC Section 17.44.030(B), a standard interior garage is required to provide 22’ x 22’ of unobstructed space. As proposed, the townhouse garage unobstructed interior dimensions are 19.5’ wide by 21” deep.

The applicant has responded that each garage parking space will have net dimensions of 9’9”x 21’-0” which is slightly smaller than the City's standard but significantly larger than the published professional standards of 8’-9” x 17’-6” for a large parking space.

The Planning Department recommends that the garage interiors meet the standard set forth in the zoning code because these dimensions have been devised to accommodate larger vehicles with larger maneuvering requirements, which are typical within the City.

**Shared Parking:** Since a portion of the required commercial parking would be situated on Lot 1, a shared parking agreement is required.

The applicant does not agree that a shared parking agreement would be necessary as the owner would continue to own and manage both properties.

Since the project spans two lots, it is possible that each lot could be sold separately and the only way to ensure that the shared parking would continue into the future is to
require an agreement. A shared parking arrangement would need to be reviewed and approved by the City, ideally in conjunction with these project entitlements.

**Reduced Parking Stall Dimensions - Mixed Use development- Lot 2:** Pursuant to SVMC Section 17.44.030(G)(1), each full-sized parking space shall not be less than twenty feet in length and nine feet in width, exclusive of aisles and access drives. When an overhang is provided, the parking stall shall be seventeen feet, plus a three-foot overhang area, which shall be paved, rock lined, concrete or landscaped with low growing plants or ground covers. The overhang area shall be edged with continuous cubing of six inches in height. No light standards or fixed objects are allowed in this overhang area. A three-foot overhang and a four-foot-wide sidewalk is required if the parking space is adjacent to a building.

The proposed project does not meet this standard on either side of the parking lot situated between Buildings A and B where the accessible slope/ramp is located, (refer to Sheet A2.0). The ramp impacts parking spaces 14-22 and 23-31, approximately eighteen parking stalls, where there will be limited space for the front end of the car to overhang and the sidewalks would feel tight.

The applicant responded that the sidewalks along the storefronts at Buildings A & B have an average width of 11' beyond the 3' parked car overhang. This width is reduced to accommodate the accessible ramps at the east end. In these locations, the sidewalks narrow to 5' for some short portions. However, the average sidewalk width for building A is over 6' and for Building B it is over 7'.

The sidewalks within the project will be heavily used and the Planning Department recommends they be as functional as possible. Since the site is so constrained, staff has not identified a viable solution to maintain sidewalk width while including the accessible ramps. This may suggest that the proposed development is too intensive for the site. While a solution has not been identified, to offset the narrow sidewalks and create a better pedestrian experience in the parking lot, the Planning Department recommends additional landscaping and pedestrian amenities, such as planter boxes and enhanced pedestrian crossings.

**Commercial Off-Street Parking requirement exception – Mixed Use development– Lot 2:** Pursuant to SVMC Section 17.44.030(G)(7), landscaped areas within or adjacent to the parking area shall provide for a minimum of one shade tree for every four parking stalls. Depending on the parking dimensions, layout type and size of shade tree, this requirement may be modified by the Planning Director.

The applicant does not believe an exception is necessary because while the parking lot does not include one shade tree for every four parking stalls, they believe the project incorporates ample landscaping in the overall project, which compensates for the deficiency.
The Planning Department does not support this exception and believes that trees are an important part of parking lot design. They create shade and provide relief from the glare and harshness that result from large expanses of concrete.

Landscaping

*Mixed – Use Development (Lot 2):*

Pursuant to SVMC Section 17.20.040(I), not less than 10% of the total site area in the C-S zoning district shall be landscaped and permanently maintained.

The project proposes irrigated landscaping interspersed throughout the site including a variety of ground covers, vines, and medium height bushes. Planting areas surround the residential buildings and along the perimeter of the site. Many of these landscape areas are narrow, in the range of three to five feet. Planter edges along parking stalls are also used as vehicle overhangs, which reduce the possibility of these areas for shrubs or screening. Two bioretention swales would be located on both sides of the driveway from Scotts Valley Drive. The project proposes approximately 27.5% of the site to be covered with landscaping. While the proposed project meets the minimum landscaping requirement, the Planning Department has additional concerns, which are described in the following sections.

*Parking Lot located between Buildings A and B (Lot 2):* While the proposed development meets the overall landscaping requirement for the site, the Planning Department is concerned that the parking lot located between commercial Buildings A and B is not adequately landscaped, as evidenced by the Off-Street Parking requirement and Reduced Parking Stall dimension exceptions that were both requested and have been discussed in the Parking section above. The Planning Department recommends that the project include additional landscaping and pedestrian amenities within the parking lot, such as planter boxes, enhanced pedestrian crossings and additional landscaping to soften the hardscape.

*Irrigation – Mixed Use Development (Lot 2):* The Landscape Plan includes a Retail Pedestrian Street note that states the lightweight portable planters will be hand watered by the building tenants. The Planning Department does not recommend hand watering, as it is not reliable. The planters should be tied into the overall irrigation system on the project site.

*Joint Trench – Mixed Use Development (Lot 2).* A joint trench is a trench that is shared by a number of utility providers and runs underground through a project site. It should be designed during the project planning phase because trenching requires adequate space and separation and, if it is not considered early in the process, it could result in the loss of trees and/or landscaping.

The Planning Department recommends the applicant submit a detailed plan that shows the joint trench in relation to the landscape plan so we can determine how the utility
Open Space

Private open space would be comprised of townhouse decks on Lot 1 (776 sf total; 97 sf/unit) and apartment patios and balconies on Lot 2 (2,976 sf total; 72 sf/unit). Lot 2 would also include common open space in the form of terraces and rooftop common areas (5,478 sf total; 105 sf/unit).

*Private Open Space Exception for Townhomes (Lot 1):* Pursuant to Section 17.09.040(F), each dwelling shall have private, usable outdoor space, i.e. decks, balconies, yards, or patios of one hundred square feet per residential unit. If the design is not suitable for private open space, useable common open space may be provided at two hundred square feet per residential unit, if approved by the Planning Commission.

The proposed project includes a 97sf deck for each unit, which does not meet the minimum requirement.

The Planning Department believes that applying the minimum outdoor private open space requirement to the townhomes is not adequate. These units will function more like single family homes and the outdoor space should be functional. The proposed deck area faces Mount Hermon Road and the units front on a parking lot. Planning Staff has not identified a viable solution to this problem, rather it would require a redesign of the project and, as discussed previously, raises the question of whether or not residential use is appropriate on this site.

*Private Open Space Exception for Mixed Use Development (Lot 2, Building A):* Pursuant to SVMC Section 17.20.045(C), each dwelling shall have private, usable outdoor space i.e. decks, balconies, yards or patios of 100-square feet per residential unit. The Planning Commission may determine that the required private outdoor space is not appropriate in a particular building design and allow the required outdoor space to be common open space for all residential units.

The proposed balconies vary in size, however, about half of them are undersized. As shown on Sheet A3.2, the balcony interior dimensions for some of the units only measure 4-feet deep by 8-feet wide (32 sf) and staff is concerned that they may be too small to be functional.

The applicant has responded that a 4’ x 8’ balcony can accommodate active use with a table and chairs and plants, and that the common areas and landscaping provide additional open space for the residents. The applicant believes their design is superior because the mixed-use apartment building is based on an integration of shared and private open spaces.
The Planning Department strongly encourages that the applicant increases the size of all balconies where feasible. The Planning Department also requests additional clarity in regard to how the roof top common open space would function, and how amenities in these areas could be maximized.

Public Art

Per the Scotts Valley General Plan commercial and residential projects should include public art. Commercial development should incorporate artistic elements and/or treatments into the architecture, landscape design, and infrastructure where appropriate and residential development should incorporate artistic elements and/or treatments into structures, landscaping, common space areas, or open space that are consistent with the City’s urban forest concept.

In response to this requirement, the applicant has identified the stone walls as the public art contribution for the project. The applicant feels that the stone walls uniquely incorporate artistic elements of handcrafted stonework into locations that enhance the architecture, the landscape and place-making intended by the Guidelines. The stone walls form the setting for the urban forest theme. Details of the proposed rock wall are shown on Sheet A3.6.

Typically, site improvement like retaining walls are not considered public art. Given the scale and density of the project the Planning Commission should consider additional opportunities to meet the public art requirements.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

An Environmental Impact Report was prepared for the proposed development consistent with the requirements of the California Environment Quality Act. No significant project related environmental impacts were found to be present that were not reduced to less than significant levels. The Draft EIR was circulated from October 11, 2021 through November 30, 2021. Based on those comments, a Final EIR was prepared and attached is for consideration. The following written comments were received and addressed as a part of the Final EIR:

1. State of California, Department of Transportation, CalTrans District 5
2. State of California, Department of Fish and Wildlife
3. Pacific Gas and Electric
4. Email from Scotts Valley resident

PUBLIC NOTICE

On May 27, 2022, public hearing notices were posted at City Hall and were mailed to surrounding property owners located within 300 feet of the subject property, pursuant to State law. The Planning Department has received one letter in support of the project.
CONCLUSION

In summary, the Planning Department is requesting Planning Commission input and direction on the requested entitlements. This report does not include a resolution or request for action.

The Planning Department has identified three options for Planning Commission consideration:

1. Direct the project applicant to address Planning Commission identified issues associated with the project and return with an amended project.

2. If it is determined that the issues associated with the proposed project are adequately addressed the Planning Commission could direct staff to prepare a resolution recommending approval for consideration at a future Planning Commission meeting. The final recommendation would then be forwarded to the City Council for consideration.

3. If it is determined that the issues associated with the proposed project are not adequately addressed or that it is not consistent with the General Plan the Planning Commission could direct staff to prepare a recommendation of denial for consideration at a future Planning Commission meeting. The final recommendation would then be forwarded to the City Council for consideration.

ATTACHMENTS

1. Location Map ...............................................................................................................................(Attached)
2. Project Plans .............................................................................................................................(Attached)
3. Draft Environmental Impact Report ..........................................................................................
   https://www.scottsvall.org/358/Oak-Creek-Park---Mixed-Use-Development
4. Final Environmental Impact Report .........................................................................................(Attached)
5. Comment Letter (received 6/2/2022) .......................................................................................(Attached)
### NET AREAS BY LEVEL

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<tr>
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<tr>
<td>NET COMMERCIAL</td>
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<tr>
<td>NET PARKING GARAGE</td>
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<tr>
<td>NET PRIVATE OPEN SPACE</td>
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### PARKING DATA

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<th>TOTAL</th>
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<tr>
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### BUILDING AREAS BY FUNCTION

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<th>LOT 2</th>
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<td>COMMON AREA</td>
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### RESIDENTIAL HOUSING MIX

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<th>AVERAGE SIZE</th>
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<tr>
<td>1 BEDROOM</td>
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<td>2 BEDROOM</td>
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### DENSITY

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<td>72.2 SF</td>
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### 1. MIXED USE RATIO

<table>
<thead>
<tr>
<th>MURRIETA WAY BLDG. AREAS (ON LOT 1)</th>
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<tbody>
<tr>
<td>COMMERCIAL: 24,973 SF</td>
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<tr>
<td>RESIDENTIAL: 45,200 SF</td>
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### 2. MIXED USE RATIO

<table>
<thead>
<tr>
<th>MURRIETA WAY BLDG. AREAS (ON LOT 1)</th>
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<tbody>
<tr>
<td>COMMERCIAL: 24,973 SF</td>
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<tr>
<td>RESIDENTIAL: 45,200 SF</td>
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### 3. MIXED USE RATIO (CALIFORNIA BUILDING CODE)

| TYPE 1 | 3,142 SF |
| TYPE 2 | 3,142 SF |
| TYPE 3 | 3,142 SF |

### 4. MIXED USE RATIO

<table>
<thead>
<tr>
<th>MURRIETA WAY BLDG. AREAS (ON LOT 1)</th>
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<tbody>
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### 5. MIXED USE RATIO

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### 6. MIXED USE RATIO

<table>
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<tr>
<td>COMMERCIAL: 24,973 SF</td>
</tr>
<tr>
<td>RESIDENTIAL: 45,200 SF</td>
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</tbody>
</table>
VIEW LOOKING UP MT. HERMON ROAD

VIEW LOOKING TOWARD PROPOSED COMMERCIAL BUILDING
The commercial areas designated as Type 1, Type 2, and Type 3 refer to the likely commercial uses; these uses are used to differentiate the potential attractiveness and market value of tenant leases. They can be characterized as follows:

- **Type 1**: These uses benefit from visual connections to their customers with display windows and doors on the street. Tenants such as retailers, food and beverage.

- **Type 2**: These uses are the 'back of house' portions of Type 1 uses such as stock rooms, restrooms, kitchens, offices, meeting rooms, etc.

- **Type 3**: These uses are the support areas including storage or repair facilities.
**Material Specifications:***

<table>
<thead>
<tr>
<th>Material</th>
<th>Color</th>
<th>Texture</th>
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<tr>
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<tr>
<td>EAVES</td>
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<td>PARAPET CORNICE</td>
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<td>SIDING</td>
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<tr>
<td>WINDOWS/DOORS</td>
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<td>MEZZANINE</td>
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<tr>
<td>TRASH ENCLOSURE</td>
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**Drawing Date:**

OCTOBER, 2016

**Project File Name:**

GRANUM 16.SD

**Plan Check:**

6/01/20
THE SIGN PROGRAM REFLECTS THE BEST PRACTICES FOR A WALKABLE COMMERCIAL STREET. THE SCALE AND CHARACTER OF THE SIGNS ARE APPROPRIATE FOR THE SIGHT DISTANCES OF AROUND 80' AND THE TRAVEL SPEEDS OF AROUND 5-10 MPH IN CONTRAST TO THE DISTANCES AND SPEEDS FOUND WITH STRIP SHOPPING CENTERS.

PER THE CITY'S SIGN ORDINANCE 17.56.180, THE ALLOWABLE SIGN AREA IS ONE SQ. FT. PER WIDTH OF THE FRONT OF THE BUILDING. ALL PROPOSED SIGNS ARE A MAXIMUM OF 30" TALL.

PROPOSED SIGNS ARE THREE DIMENSIONAL LETTERS AND NUMBERS MOUNTED ON THE WALL SURFACE. SIGNS WILL BE ILLUMINATED BY WALL SCONCES. NO BACK-LIT SIGNS OR CAN SIGNS ARE ALLOWED. MIRROR REFLECTIVE OR IRRIDESCENT SIGNS ARE PROHIBITED EXCEPT AS MAY BE APPROVED BY THE PLANNING COMMISSION.

**BUILDING A**
- TOTAL WIDTH OF BUILDING = 235 FT.
- TOTAL ALLOWABLE SIGN AREA = 235 SF
- TOTAL PROPOSED SIGN AREA = 192 SF

**BUILDING B NORTH ELEVATION**
- TOTAL WIDTH OF BUILDING = 200 FT.
- TOTAL ALLOWABLE SIGN AREA = 200 SF
- TOTAL PROPOSED SIGN AREA = 195 SF

**BUILDING B SOUTH ELEVATION**
- TOTAL WIDTH OF BUILDING = 200 FT.
- TOTAL ALLOWABLE SIGN AREA = 200 SF
- TOTAL PROPOSED SIGN AREA = 160 SF
NOTE: THE EARTHWORK QUANTITIES SHOWN HEREON ARE EXCLUSIVE OF WALL FOOTINGS, EXISTING PAVEMENT REMOVAL AND OVER EXCAVATION AND RECOMPACTION, UTILITY TRENCH SPOILS & SOIL EXPANSION AND CONTRACTION FACTORS.

ITEM DESCRIPTION CUT (cu.yds)

FILL (cu.yds)

1. EG VS. FG  56877686

NET VOLUME = 1999 CU.YDS. OF FILL

THE ABOVE QUANTITIES ARE FOR INFORMATION PURPOSES ONLY. THE CONTRACTOR IS RESPONSIBLE TO PROVIDE THE NECESSARY CUT AND FILL TO ACCOMPLISH FINISH GRADE SHOWN ON THESE PLANS.
CLEAN AIR/VAN POOL / EV
EV CHARGING ONLY

## Elevations Table

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**Color**

- **Step 1**: [Description of Step 1 color]
- **Step 2**: [Description of Step 2 color]
- **Step 3**: [Description of Step 3 color]
- **Step 4**: [Description of Step 4 color]
- **Step 5**: [Description of Step 5 color]
- **Step 6**: [Description of Step 6 color]
- **Step 7**: [Description of Step 7 color]
- **Step 8**: [Description of Step 8 color]
- **Step 9**: [Description of Step 9 color]
- **Step 10**: [Description of Step 10 color]

**Date**: [Date of the drawing]

**Scale**: [Scale of the drawing]

**Drawn**: [Name of the drawer]

**Job**: [Job number]

**Of Sheets**: [Number of sheets]

**REVISIONS BY**: [Name of the responsible person]

**Engineers/Planners**: [Engineers/Planners]

**Scotts Valley, CA 95066**

**4444 Scotts Valley Drive / Suite 6**

**T (831) 438-4420 F (831) 438-4420**
### DRAINAGE AREA TABLE

<table>
<thead>
<tr>
<th>Property</th>
<th>Estimated Area (SQ. FT.)</th>
<th>Impervious Area (SQ. FT.)</th>
<th>Pervious Area (SQ. FT.)</th>
<th>Stormwater Runoff Coefficient (C)</th>
<th>Rainfall Intensity (I)</th>
<th>Flow (Q)</th>
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</table>
1. DO NOT CLEAN PAINT BRUSHES OR RINSE PAINT CONTAINERS INTO A STREET, GUTTER, STORM DRAIN, OR SPILLED. USE DRY CLEANUP METHODS.

2. IDENTIFY ALL STORM DRAINS, DRAINAGE SWALES AND CREEKS LOCATED NEAR THE CONSTRUCTION SITE.

3. WASH OUT CONCRETE TRANSIT MIXERS ONLY IN DESIGNATED WASH-OUT AREAS. WHENEVER POSSIBLE, TRY TO AVOID USING WATER TO WASH ROADWAY MATERIALS TO MINIMIZE SEDIMENT AND MATERIALS FROM MARINE PAINTS OR PAINTS CONTAINING LEAD OR TRIBUTYL TIN MUST BE HANDLED AS HAZARDOUS WASTE.

4. COVER STORM DRAIN INLETS AND MANHOLES WHEN PAVING OR APPLYING SEAL COAT, SLURRY SEAL, FOG SEAL, AND SIMILAR MATERIALS.

5. CONVEY RUNOFF BY USE OF EARTH DIKES, DRAINAGE SWALES AND/OR DITCHES WHEN FEASIBLE.

6. FILTER FABRIC IS RECOMMENDED TO BE PLACED AT THE OUTLETS OF DRAINAGE SWALES TO IMPROVE SEDIMENT REMOVAL WHILE MINIMIZING RUNOFF.

7. ALWAYS PARK PAVING MACHINES OVER DRIP PANS OR ABSORBENT MATERIALS, SINCE THEY TEND TO DRIP MATERIALS.

8. WHEN MAKING SAW-CUTS IN PAVEMENT, USE AS LITTLE WATER AS POSSIBLE. COVER POTENTIALLY HAZARDOUS WASTE.

9. ANY CONTAMINATED SOIL SHALL BE REMOVED BY THE CONTRACTOR AND REPLACED WITH ACCEPTABLE MATERIALS.

10. ALLOW AGGREGATE RINSE TO SETTLE, AND PUMP THE WATER TO THE SANITARY SEWER IF ALLOWED BY YOUR LOCAL WASTEWATER AUTHORITY.

11. KEEP MATERIALS AND EQUIPMENT DRY AND CLEAN. STORE MATERIALS IN COVERED AREAS OR ON PADS OF ROCK OR SAND TO MINIMIZE TRACKING CONTROL AND CONVEY RUNOFF FROM TRANSPORTING SEDIMENT OFFSITE.

12. USE TERRACING, RIPRAP, SAND BAGS, ROCKS, APPROVED TEMPORARY VEGETATION AND/OR OTHER STABILIZATION (WATER PROOFING) WITH SEDIMENT CONTROL MEASURES SUCH AS STRAW WATTLES, SILT CONTROLS, INCLUDING INLET PROTECTION, ARE NECESSARY BUT SHOULD BE A SECONDARY REPRESENTATIVE. DO NOT USE SOAPS, SOLVENTS, DEGREASERS, OR STEAM CLEANING EQUIPMENT, AND PREVENT WASH WATER FROM ENTERING STORM DRAINS.
Revegetation Plan
Salvaged & Replanted Native Coastal Prairie Grasses

NOTE: To mitigate impacts to the coastal prairie identified in the Bude Report prepared by Bude Resources Group dated December 26th, 2017, the existing native grass plants shall be salvaged and replanted. This will be executed under the supervision of the Bude Resources Group.

Planting Notes

The landscape plans shall indicate that the irrigation system is to be run on a programmed irrigation controller and the system shall be the same as indicated in the Bude report prepared by Bude Resources Group dated December 26th, 2017. The Arborist report prepared by Michael Harris indicates 7 protected trees shall be removed. These trees will be replaced at a 3 to 1 ratio for a total of 21 trees.

Retail Pedestrian Street
The retail pedestrian street shall be furnished with lightweight portable planters that can be configured to address each tenant's needs. The effect will be an aesthetic, soft, green, relaxing space lending definition and thrust to the pedestrian experience. The planters shall be evenly distributed throughout and will be hand watered by the tenant. Plant material will consist of colorful drought resistant species approved by the homeowners association.
THE APPROXIMATE TREE CANOPY AT YEAR 15 IS SHOWN IN THE SHADE CIRCLES ON THIS DRAWING. THE TREE CANOPIES SHOWN ONLY REFLECT TREES ADJACENT TO PARKING AREAS. FOR A COMPLETE PICTURE OF THE PROPOSED TREE CANOPY SEE THE LANDSCAPE PLAN (SHEET L). THE MATURE TREE CANOPY WILL COVER OVER 30% OF THE SITE.
# Table of Contents

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1 Introduction

The Oak Creek Park Draft Environmental Impact Report (DEIR) was circulated for a 45-day public review period from October 12, 2021 to November 30, 2021, as assigned by the State of California Governor’s Office of Planning and Research State Clearinghouse and consistent with CEQA regulations. Copies of the document were distributed to state, regional, and local agencies, as well as organizations and individuals, for their review and comment.

This Oak Creek Park Final Environmental Impact Report (FEIR) has been prepared in accordance with CEQA and state and local CEQA Guidelines and represents the independent judgment of the City, as CEQA Lead Agency. This Final EIR, together with the DEIR, technical appendices, and other written documentation prepared during the EIR process, as those documents may be modified by the City Council at the time of certification, will constitute the Final EIR, as defined in the State CEQA Guidelines, Section 15132, and the City of Scotts Valley’s environmental document reporting procedures.

1.1 Document Organization and Framework

This Final EIR is organized as follows: Section 1 provides a brief introduction to this report. Section 2 provides a list of agencies and interested persons commenting on the DEIR. This section also contains individual comments followed thereafter by responses. To facilitate review of the responses, an index number (e.g., 1-1, 1-2, 2-1) has been assigned to each comment and to its corresponding responses. Section 3 contains changes to the DEIR as a result of the comments by agencies and interested persons. Section 4 contains the Mitigation Monitoring and Reporting Program.

City Staff has reviewed the comment letters, draft responses and information generated in the course of preparing the responses and determined that none of this material constitutes significant new information that requires a recirculation period for further public comment under CEQA Guideline Section 15088.5. None of this new material indicates that the project will result in a significant new environmental impact not previously disclosed in the DEIR. Additionally, none of this material indicates that there would be a substantial increase in the severity of a previously identified environmental impact that will not be mitigated, or that there would be any of the other circumstances requiring recirculation as described in Section 15088.5.

1.2 CEQA Requirements Regarding Comments and Responses

CEQA Guidelines Section 15204 (a) outlines parameters for submitting comments and reminds persons and public agencies that the focus of review and comment of Draft EIRs should be, “on the sufficiency of the document in identifying and analyzing possible impacts on the environment and ways in which significant effects of the project might be avoided or mitigated. Comments are most helpful when they suggest additional specific alternatives or mitigation measures that would provide better ways to avoid or mitigate the significant environmental effects. At the same time, reviewers should be aware that the adequacy of an EIR is determined...
in terms of what is reasonably feasible, considering factors such as the magnitude of the project at issue, the severity of its likely environmental impacts, and geographic scope of the project. CEQA does not require a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commenters. When responding to comments, lead agencies need only respond to significant environmental issues and do not need to provide all information requested by reviewers, as long as a good faith effort at full disclosure is made in the EIR.”
2 Response to Comments on the Draft EIR

2.1 Agency, Organization, and Individual Comments on the Draft EIR

This section includes all written comments received on the DEIR and the City’s responses to each comment. Comment letters and specific comments are given letters and numbers for reference purposes. Where sections of the DEIR are excerpted in this document, the sections are shown indented. Changes to the DEIR text are shown in underline for additions and strikeout for deletions.

The following is a list of agencies and organizations that submitted comments on the Draft EIR during the public review period:

Table 2-1: List of Written Comments Received on the Draft EIR

<table>
<thead>
<tr>
<th>Comment Letter No.</th>
<th>Commenting Agency / Organization / Individual</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agencies</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>State of California, Department of Transportation, Caltrans District 5</td>
<td>November 30, 2021</td>
</tr>
<tr>
<td>2</td>
<td>State of California, Department of Fish and Wildlife</td>
<td>November 24, 2021</td>
</tr>
<tr>
<td>Organizations</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>Pacific Gas and Electric</td>
<td>October 20, 2021</td>
</tr>
<tr>
<td>Individuals</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>Mark Hemmert</td>
<td>September 7, 2021</td>
</tr>
</tbody>
</table>
November 30, 2021

Taylor Bateman  
Community Development Director  
Community Development Department  
City of Scotts Valley  
1 Civic Center Drive  
Scotts Valley, CA 95066

Dear Mr. Bateman:

COMMENTS FOR THE DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR) - OAK CREEK PARK, SCOTTS VALLEY, CA

The California Department of Transportation (Caltrans), District 5, Development Review, has reviewed the Oak Creek Park project which include 24,973 square feet of commercial use, eight townhomes, and 44 apartments. Caltrans offers the following comments in response to the DEIR:

1. Caltrans appreciates the transportation demand management strategies to further reduce vehicle miles traveled (VMT). The bike lockers and storage, showering facilities, sidewalks, and paths will help enhance mobility alternatives to vehicular trips.

Thank you for the opportunity to review and comment on the proposed project. If you have any questions, or need further clarification on items discussed above, please contact me at (805) 835-6543 or christopher.bjornstad@dot.ca.gov.

Sincerely,

Christopher Bjornstad
Chris Bjornstad  
Associate Transportation Planner  
District 5 Development Review
November 24, 2021

Mr. Taylor Bateman
City of Scotts Valley
One Civic Center Drive
Scotts Valley, CA 95066
tbatemen@scottsvalley.org

Subject: Oak Creek Park, Draft Environmental Impact Report, SCH No. 2019110250, City of Scotts Valley, Santa Cruz County

Dear Mr. Bateman:

The California Department of Fish and Wildlife (CDFW) has reviewed the Draft Environmental Impact Report (DEIR) prepared by the City of Scott's Valley (City) for the Oak Creek Park Project (Project), located in Santa Cruz County. CDFW is submitting comments on the DEIR regarding potentially significant impacts to biological resources associated with the Project.

CDFW ROLE

CDFW is a Trustee Agency with responsibility under the California Environmental Quality Act (CEQA; Pub. Resources Code, § 21000 et seq.) pursuant to CEQA Guidelines § 15386 for commenting on projects that could impact fish, plant, and wildlife resources (e.g., biological resources). CDFW is also considered a Responsible Agency if a project would require discretionary approval, such as permits issued under the California Endangered Species Act (CESA), the Native Plant Protection Act, the Lake and Streambed Alteration (LSA) Program, and other provisions of the Fish and Game Code that afford protection to the state’s fish and wildlife trust resources.

California Endangered Species Act

Please be advised that a CESA Permit must be obtained if the Project has the potential to result in “take” of plants or animals listed under CESA, either during construction or over the life of the Project. Issuance of a CESA Permit is subject to CEQA documentation; the CEQA document must specify impacts, mitigation measures, and a mitigation monitoring and reporting program. If the Project will impact CESA listed species, early consultation is encouraged, as significant modification to the Project and mitigation measures may be required in order to obtain a CESA Permit.

CEQA requires a Mandatory Finding of Significance if a project is likely to substantially impact threatened or endangered species (Pub. Resources Code, §§ 21001(c), 21083, and CEQA Guidelines §§ 15380, 15064, 15065). Impacts must be avoided or mitigated
to less-than-significant levels unless the CEQA Lead Agency makes and supports Findings of Overriding Consideration (FOC). The CEQA Lead Agency’s FOC does not eliminate the Project proponent’s obligation to comply with Fish and Game Code, § 2080.

PROJECT DESCRIPTION

The Project consists of a mixed-use commercial and residential development on a 3.56-acre site in the City of Scotts Valley, APN 022-162-76. There will be two lots on the property. Lot 1 would consist of eight town home apartments over approximately one acre. Lot 2 would consist of two types of buildings, commercial and residential. There would be 24,841 square feet of commercial buildings including surface parking and 12-foot-wide sidewalks. There would be 74,100 square feet of residential buildings on Lot 2 including a mix of apartments. The Project would require regrading of Lots 1 and 2, requiring several hundred yards of fill to be imported. Per the Project’s Stormwater Control Plan, the Project would include flow-through planters in the residential area to retain and treat stormwater runoff. A stacked underground storage chamber system which would provide treatment of runoff by infiltration would be used in the mixed-use and commercials portions of the Project.

ENVIRONMENTAL SETTING AND LOCATION

The Project is located at the intersection of Glen Canyon and Mt. Hermon Road, in the City of Scotts Valley, Santa Cruz County.

The Project is adjacent to Mt. Hermon Road, a commercial office building on Glen Canyon Road, and single-family residences. There are no watercourses on the property, but creeks in the vicinity of the Project site include tributaries to Bean Creek and Carbonera Creek. The Project site supports annual grassland, a small patch of coastal prairie, coast live oak tree groves, a poison oak thicket, and non-native tree groves.

COMMENTS AND RECOMMENDATIONS

CDFW offers the following comments and recommendations to assist the City in adequately identifying and/or mitigating the Project’s significant, or potentially significant, direct and indirect impacts on biological resources.

Comment 1: Surveys for special status plant species

Issue: The DEIR does not provide the methodology of the special-status plant species surveys in Mitigation Measure Bio-1.1. The DEIR on page 7-13 of the Biological Resources section states that the small patch of coastal prairie habitat may provide habitat for special-status plant species such as Congdon’s tarplant (Centromadia parryi ssp. Congdonii), a California Native Plant Society (CNPS) Rare Plant Rank 1B.1,
pending the results of a spring season plant survey. Furthermore, Table 2 of the Biotic Report states that there is marginal habitat for other CNPS rare plant species including but not limited to Scotts Valley spineflower (*Chorizanthe robusta* var. *Hartwegii*), short-leaved evax (*Hesperevax sparsiflora* var. *brevifolia*), Point Reyes horkelia (*Horkelia marinensis*) and State endangered species including white-rayed pentachaeta (*Pentachaeta bellidiflora*) and Santa Cruz tarplant (*Holocarpha macradenia*). Mitigation Measure Bio 1.1 states that plant surveys will be conducted; however, the methodology for the surveys is not disclosed. Without following proper survey protocol for spring or early summer blooming plant species, it is possible to miss detection of special-status plant species on the site.

**Recommendation**

CDFW recommends the City update MM Bio 1.1 to include methodology capable of detecting special-status plant species.

**Recommended update to MM Bio 1.1**

An experienced botanist (with expertise in coastal prairie plant communities of Santa Cruz) shall conduct a minimum of two focused rare plant surveys over two seasons prior to the initiation of construction and include the information in the Project environmental document. Surveys shall be conducted according to: *Protocols for Surveying and Evaluating Impacts to Special-Status Native Plant Populations and Natural Communities* (CDFW 2018), available at: [https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=18959&inline](https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=18959&inline).

In the event rare, threatened or endangered plants are discovered, additional measures may be needed, which may include work stoppage, flagging and avoidance of occurrences, collection of propagation material, site restoration and/or obtaining an Incidental Take Permit (Fish and Game Code section 2081, subd., (b).)

**COMMENT 2: Tree Removal**

**Issue:** The Project has the potential to remove all trees on the Project site including six Coast live oaks (*Quercus agrifolia*), one Ponderosa pine (*Pinus ponderosa*), six ash trees (*Fraxinus* sp.), four sycamore trees (*Platanus acerifolia*), and a large group of acacia trees (*Acacia baileyana*). According to the Tree Resource Evaluation, at least one coast live oak is above 15 inches diameter at breast height (dbh). Large mature trees (e.g., native oak tree that is greater than 15 inches in diameter) are of particular importance due to increased biological values (i.e., nesting bird habitat, bat roost habitat). Furthermore, the Tree Resource Evaluation states that the sycamore trees growing along the perimeter are healthy and recommends their incorporation into the Project. However, it is unclear if the sycamore trees have been incorporated into the landscape plan.
Evidence the impact would be significant: While the DEIR includes on-site tree planting as a minimization measure, on-site planting at higher ratios alone is not sufficient to completely off-set temporal impacts from the loss of mature trees due to an uncertain time lag from when the new resources will be available (Marón et al., 2010).

Recommendation: CDFW recommends the Project avoid large diameter tree removal to the greatest extent feasible. CDFW recommends Project mitigation include in-kind preservation of mature native trees. Where in-kind preservation of mature native trees is not feasible, CDFW recommends planting larger sized native trees, (such as 15-gallon sized trees or larger) to help address the temporal loss of mature trees on-site.

COMMENT 3: Figures and Labels

Issue 1: Figure 3-11: Stormwater Control Plan, does not include a legend or figure labels to explain the meaning of the colors in the figure. The DEIR also references a Figure 7-2: Landscape Plan; however, only Figure 7-1: Vegetation Map is included in the DEIR.

Recommendation: CDFW recommends the final EIR should include labels with Figure 3-11 and include Figure 7-2 either in the EIR or as an attachment.

FILING FEES

CDFW anticipates that the Project will have an impact on fish and/or wildlife, and assessment of filing fees is necessary (Fish and Game Code, section 711.4; Pub. Resources Code, section 21089). Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW.

Thank you for the opportunity to comment on the Project’s DEIR. If you have any questions regarding this letter or for further coordination with CDFW, please contact Ms. Serena Stumpf, Environmental Scientist, at (707) 337-1364 or Serena.Stumpf@wildlife.ca.gov; or Mr. Wesley Stokes, Senior Environmental Scientist (Supervisory), at Wesley.Stokes@wildlife.ca.gov.

Sincerely,

Stephanie Fong
Acting Regional Manager
Bay Delta Region

ec: State Clearinghouse # 2019110250
REFERENCES


October 20, 2021

Susie Pineda  
City of Scotts Valley Planning Dept  
One Civic Center Drive  
Scotts Valley, CA 95066

Ref: Gas and Electric Transmission and Distribution

Dear Susie Pineda,

Thank you for submitting the Oak Creek Park plans for our review. PG&E will review the submitted plans in relationship to any existing Gas and Electric facilities within the project area. If the proposed project is adjacent/or within PG&E owned property and/or easements, we will be working with you to ensure compatible uses and activities near our facilities.

Attached you will find information and requirements as it relates to Gas facilities (Attachment 1) and Electric facilities (Attachment 2). Please review these in detail, as it is critical to ensure your safety and to protect PG&E’s facilities and its existing rights.

Below is additional information for your review:

1. This plan review process does not replace the application process for PG&E gas or electric service your project may require. For these requests, please continue to work with PG&E Service Planning: https://www.pge.com/en_US/business/services/building-and-renovation/overview/overview.page.

2. If the project being submitted is part of a larger project, please include the entire scope of your project, and not just a portion of it. PG&E’s facilities are to be incorporated within any CEQA document. PG&E needs to verify that the CEQA document will identify any required future PG&E services.

3. An engineering deposit may be required to review plans for a project depending on the size, scope, and location of the project and as it relates to any rearrangement or new installation of PG&E facilities.

Any proposed uses within the PG&E fee strip and/or easement, may include a California Public Utility Commission (CPUC) Section 851 filing. This requires the CPUC to render approval for a conveyance of rights for specific uses on PG&E’s fee strip or easement. PG&E will advise if the necessity to incorporate a CPUC Section 851 filing is required.

This letter does not constitute PG&E’s consent to use any portion of its easement for any purpose not previously conveyed. PG&E will provide a project specific response as required.

Sincerely,

Plan Review Team  
Land Management
Attachment 1 – Gas Facilities

There could be gas transmission pipelines in this area which would be considered critical facilities for PG&E and a high priority subsurface installation under California law. Care must be taken to ensure safety and accessibility. So, please ensure that if PG&E approves work near gas transmission pipelines it is done in adherence with the below stipulations. Additionally, the following link provides additional information regarding legal requirements under California excavation laws: https://www.usanorth811.org/images/pdfs/CA-LAW-2018.pdf

1. Standby Inspection: A PG&E Gas Transmission Standby Inspector must be present during any demolition or construction activity that comes within 10 feet of the gas pipeline. This includes all grading, trenching, substructure depth verifications (potholes), asphalt or concrete demolition/removal, removal of trees, signs, light poles, etc. This inspection can be coordinated through the Underground Service Alert (USA) service at 811. A minimum notice of 48 hours is required. Ensure the USA markings and notifications are maintained throughout the duration of your work.

2. Access: At any time, PG&E may need to access, excavate, and perform work on the gas pipeline. Any construction equipment, materials, or spoils may need to be removed upon notice. Any temporary construction fencing installed within PG&E’s easement would also need to be capable of being removed at any time upon notice. Any plans to cut temporary slopes exceeding a 1:4 grade within 10 feet of a gas transmission pipeline need to be approved by PG&E Pipeline Services in writing PRIOR to performing the work.

3. Wheel Loads: To prevent damage to the buried gas pipeline, there are weight limits that must be enforced whenever any equipment gets within 10 feet of traversing the pipe.

Ensure a list of the axle weights of all equipment being used is available for PG&E’s Standby Inspector. To confirm the depth of cover, the pipeline may need to be potholed by hand in a few areas.

Due to the complex variability of tracked equipment, vibratory compaction equipment, and cranes, PG&E must evaluate those items on a case-by-case basis prior to use over the gas pipeline (provide a list of any proposed equipment of this type noting model numbers and specific attachments).

No equipment may be set up over the gas pipeline while operating. Ensure crane outriggers are at least 10 feet from the centerline of the gas pipeline. Transport trucks must not be parked over the gas pipeline while being loaded or unloaded.

4. Grading: PG&E requires a minimum of 36 inches of cover over gas pipelines (or existing grade if less) and a maximum of 7 feet of cover at all locations. The graded surface cannot exceed a cross slope of 1:4.

5. Excavating: Any digging within 2 feet of a gas pipeline must be dug by hand. Note that while the minimum clearance is only 12 inches, any excavation work within 24 inches of the edge of a pipeline must be done with hand tools. So to avoid having to dig a trench entirely with hand tools, the edge of the trench must be over 24 inches away. (Doing the math for a 24 inch

wide trench being dug along a 36 inch pipeline, the centerline of the trench would need to be at least 54 inches \( [24/2 + 24 + 36/2 = 54] \) away, or be entirely dug by hand.)

Water jetting to assist vacuum excavating must be limited to 1000 psig and directed at a 40° angle to the pipe. All pile driving must be kept a minimum of 3 feet away.

Any plans to expose and support a PG&E gas transmission pipeline across an open excavation need to be approved by PG&E Pipeline Services in writing PRIOR to performing the work.

6. Boring/Trenchless Installations: PG&E Pipeline Services must review and approve all plans to bore across or parallel to (within 10 feet) a gas transmission pipeline. There are stringent criteria to pothole the gas transmission facility at regular intervals for all parallel bore installations.

For bore paths that cross gas transmission pipelines perpendicularly, the pipeline must be potholed a minimum of 2 feet in the horizontal direction of the bore path and a minimum of 12 inches in the vertical direction from the bottom of the pipe with minimum clearances measured from the edge of the pipe in both directions. Standby personnel must watch the locator trace (and every ream pass) the path of the bore as it approaches the pipeline and visually monitor the pothole (with the exposed transmission pipe) as the bore traverses the pipeline to ensure adequate clearance with the pipeline. The pothole width must account for the inaccuracy of the locating equipment.

7. Substructures: All utility crossings of a gas pipeline should be made as close to perpendicular as feasible (90° +/- 15°). All utility lines crossing the gas pipeline must have a minimum of 12 inches of separation from the gas pipeline. Parallel utilities, pole bases, water line ‘kicker blocks’, storm drain inlets, water meters, valves, back pressure devices or other utility substructures are not allowed in the PG&E gas pipeline easement.

If previously retired PG&E facilities are in conflict with proposed substructures, PG&E must verify they are safe prior to removal. This includes verification testing of the contents of the facilities, as well as environmental testing of the coating and internal surfaces. Timelines for PG&E completion of this verification will vary depending on the type and location of facilities in conflict.

8. Structures: No structures are to be built within the PG&E gas pipeline easement. This includes buildings, retaining walls, fences, decks, patios, carports, septic tanks, storage sheds, tanks, loading ramps, or any structure that could limit PG&E’s ability to access its facilities.

9. Fencing: Permanent fencing is not allowed within PG&E easements except for perpendicular crossings which must include a 16 foot wide gate for vehicular access. Gates will be secured with PG&E corporation locks.

10. Landscaping: Landscaping must be designed to allow PG&E to access the pipeline for maintenance and not interfere with pipeline coatings or other cathodic protection systems. No trees, shrubs, brush, vines, and other vegetation may be planted within the easement area. Only those plants, ground covers, grasses, flowers, and low-growing plants that grow unsupported to a maximum of four feet (4’) in height at maturity may be planted within the easement area.
11. Cathodic Protection: PG&E pipelines are protected from corrosion with an “Impressed Current” cathodic protection system. Any proposed facilities, such as metal conduit, pipes, service lines, ground rods, anodes, wires, etc. that might affect the pipeline cathodic protection system must be reviewed and approved by PG&E Corrosion Engineering.

12. Pipeline Marker Signs: PG&E needs to maintain pipeline marker signs for gas transmission pipelines in order to ensure public awareness of the presence of the pipelines. With prior written approval from PG&E Pipeline Services, an existing PG&E pipeline marker sign that is in direct conflict with proposed developments may be temporarily relocated to accommodate construction work. The pipeline marker must be moved back once construction is complete.

13. PG&E is also the provider of distribution facilities throughout many of the areas within the state of California. Therefore, any plans that impact PG&E’s facilities must be reviewed and approved by PG&E to ensure that no impact occurs which may endanger the safe operation of its facilities.
Attachment 2 – Electric Facilities

It is PG&E’s policy to permit certain uses on a case by case basis within its electric transmission fee strip(s) and/or easement(s) provided such uses and manner in which they are exercised, will not interfere with PG&E’s rights or endanger its facilities. Some examples/restrictions are as follows:

1. Buildings and Other Structures: No buildings or other structures including the foot print and eave of any buildings, swimming pools, wells or similar structures will be permitted within fee strip(s) and/or easement(s) areas. PG&E’s transmission easement shall be designated on subdivision/parcel maps as “RESTRICTED USE AREA – NO BUILDING.”

2. Grading: Cuts, trenches or excavations may not be made within 25 feet of our towers. Developers must submit grading plans and site development plans (including geotechnical reports if applicable), signed and dated, for PG&E’s review. PG&E engineers must review grade changes in the vicinity of our towers. No fills will be allowed which would impair ground-to-conductor clearances. Towers shall not be left on mounds without adequate road access to base of tower or structure.

3. Fences: Walls, fences, and other structures must be installed at locations that do not affect the safe operation of PG&E’s facilities. Heavy equipment access to our facilities must be maintained at all times. Metal fences are to be grounded to PG&E specifications. No wall, fence or other like structure is to be installed within 10 feet of tower footings and unrestricted access must be maintained from a tower structure to the nearest street. Walls, fences and other structures proposed along or within the fee strip(s) and/or easement(s) will require PG&E review; submit plans to PG&E Centralized Review Team for review and comment.

4. Landscaping: Vegetation may be allowed; subject to review of plans. On overhead electric transmission fee strip(s) and/or easement(s), trees and shrubs are limited to those varieties that do not exceed 15 feet in height at maturity. PG&E must have access to its facilities at all times, including access by heavy equipment. No planting is to occur within the footprint of the tower legs. Greenbelts are encouraged.

5. Reservoirs, Sumps, Drainage Basins, and Ponds: Prohibited within PG&E’s fee strip(s) and/or easement(s) for electric transmission lines.

6. Automobile Parking: Short term parking of movable passenger vehicles and light trucks (pickups, vans, etc.) is allowed. The lighting within these parking areas will need to be reviewed by PG&E; approval will be on a case by case basis. Heavy equipment access to PG&E facilities is to be maintained at all times. Parking is to clear PG&E structures by at least 10 feet. Protection of PG&E facilities from vehicular traffic is to be provided at developer’s expense AND to PG&E specifications. Blocked-up vehicles are not allowed. Carports, canopies, or awnings are not allowed.

7. Storage of Flammable, Explosive or Corrosive Materials: There shall be no storage of fuel or combustibles and no fueling of vehicles within PG&E’s easement. No trash bins or incinerators are allowed.
8. Streets and Roads: Access to facilities must be maintained at all times. Street lights may be allowed in the fee strip(s) and/or easement(s) but in all cases must be reviewed by PG&E for proper clearance. Roads and utilities should cross the transmission easement as nearly at right angles as possible. Road intersections will not be allowed within the transmission easement.

9. Pipelines: Pipelines may be allowed provided crossings are held to a minimum and to be as nearly perpendicular as possible. Pipelines within 25 feet of PG&E structures require review by PG&E. Sprinklers systems may be allowed; subject to review. Leach fields and septic tanks are not allowed. Construction plans must be submitted to PG&E for review and approval prior to the commencement of any construction.

10. Signs: Signs are not allowed except in rare cases subject to individual review by PG&E.

11. Recreation Areas: Playgrounds, parks, tennis courts, basketball courts, barbecue and light trucks (pickups, vans, etc.) may be allowed; subject to review of plans. Heavy equipment access to PG&E facilities is to be maintained at all times. Parking is to clear PG&E structures by at least 10 feet. Protection of PG&E facilities from vehicular traffic is to be provided at developer’s expense AND to PG&E specifications.

12. Construction Activity: Since construction activity will take place near PG&E’s overhead electric lines, please be advised it is the contractor’s responsibility to be aware of, and observe the minimum clearances for both workers and equipment operating near high voltage electric lines set out in the High-Voltage Electrical Safety Orders of the California Division of Industrial Safety (https://www.dir.ca.gov/Title8/sb5g2.html), as well as any other safety regulations. Contractors shall comply with California Public Utilities Commission General Order 95 (http://www.cpuc.ca.gov/gos/GO95/go_95_startup_page.html) and all other safety rules. No construction may occur within 25 feet of PG&E’s towers. All excavation activities may only commence after 811 protocols has been followed.

Contractor shall ensure the protection of PG&E’s towers and poles from vehicular damage by (installing protective barriers) Plans for protection barriers must be approved by PG&E prior to construction.

13. PG&E is also the owner of distribution facilities throughout many of the areas within the state of California. Therefore, any plans that impact PG&E’s facilities must be reviewed and approved by PG&E to ensure that no impact occurs that may endanger the safe and reliable operation of its facilities.
Subject: FW: EXTERNAL: EIR on Traffic for Oak Creek Park - Mixed Use Development

From: Mike Hemmert <mhemmert2003@yahoo.com>
Sent: Tuesday, September 7, 2021 2:06 PM
To: Bradley, Paula <pbradley@mbakerintl.com>
Subject: EXTERNAL: EIR on Traffic for Oak Creek Park - Mixed Use Development

Paula,

I would like to make sure that the EIR on Traffic impact for this project includes the impact of residents traveling to rt 17. If there is not sufficient room for a vehicle to enter onto Mt. Hermon and get to the left lane to do a U-turn at the SV Drive intersection, then vehicles may turn right onto SV Drive and then drive to Quien Sabe/Oak Creek Blvd residential neighborhood. As you know this neighborhood has young children on bikes and many walkers. This problem was completely missed in the EIRs for the new developments behind the Shell station and the upcoming adjacent development (stating that vehicles would do U-turns on SV Drive is not realistic given the bend in the road).

If however an EIR states that vehicles will predominantly drive through the commercial parking lot and use the light at Glen Canyon then all is well.

Thank you,

- Mike Hemmert
2.2 Response to Comments

2.2.1 Response to Comment Letter #1: State of California, Department of Transportation, Caltrans District 5

1-1: Comment noted regarding Caltrans support of transportation demand management strategies to further reduce vehicle miles traveled (VMT).

2.2.2 Response to Comment Letter #2: State of California, Department of Fish and Wildlife

2-1: Comment noted. As summarized in the Biological Resources section of the Draft EIR and described more fully in Appendix C-b Biotic Report by Biological Resources Group, a plant survey was conducted in 2018 (March, April and May) and again in 2019 (May). Both of those survey years were negative for special status plant species. Also both 2018 and 2019 were average rainfall years, so these were good survey years for adequate plant expression.

Because these surveys are almost three years old, Mitigation Measure BIO 1.1 Focused Plant Surveys requires the project applicant to have a qualified biologist conduct a spring season plant survey, with a focus on the coastal prairie and the bottom of the detention basin. This survey must be completed at least one year prior to issuance to grading permits, and/or any clearing, grading, or excavation work on the project site.

These previous surveys, and the additional required survey are considered prudent and acceptable per CA Department of Fish & Wildlife protocols (email from Kathy Lyons, Biotic Resources Group, to Bill Wiseman, Kimley-Horn & Associates, 12/15/21). As such, there is no change in significance and no revisions to the Draft EIR are necessary.

2-2: Comment noted. The proposed project will avoid large diameter tree removal to the extent feasible. Additionally, it is noted that the landscape plans call for a tree replacement ratio of 3:1, for a total of 21 replacement trees. In total, the landscape plan calls for the planting of 136 trees throughout the project site.

2-3: Regarding Figure 3-11: Stormwater Control Plan, there is no legend in the plans. The different colors only represent different stormwater management areas and are not color-coded to a particular meaning. There is a detailed table associated with the figure that identifies (for each area) total area, previous and impervious areas, and stormwater runoff coefficients and flow factors. This information is further described in the Stormwater Control Plan (C2G/Civil Consultant Group, July 2019).

Regarding the Draft EIR reference to Figure 7-2: Landscape Plan, this has been corrected to read Figure 3-8: Landscape Plan.

2.2.3 Response to Comment Letter #3: Pacific Gas and Electric

3-1: Comment noted regarding construction-related activities associated with PG&E-owned gas and electric facilities.
2.2.4 Response to Comment Letter #4: Mark Hemmert

4-1: Comment noted regarding traffic to Highway 17 and potential impacts on neighborhood streets. As shown in Figure 15-1: Study Intersection & Trip Distribution, traffic existing from the project site would exit directly onto Mount Hermon Road and would not use residential streets. Most vehicles going to Highway 17 would travel east of Mount Hermon Road.
3 Changes to the Draft EIR

Changes to the Draft EIR are shown on the following pages in the order that they appear in the EIR. New text is shown in underline, and removed text is shown in strikethrough. These text changes do not constitute substantial new information and do not result in significant new impacts or the increase in severity of impacts already disclosed.
The project would result in the removal of trees, including a large group of acacia trees, six Coast live oaks, and one Ponderosa pine. In addition, six immature ash trees and four sycamore trees growing behind the existing sidewalk may also require removal because these trees may be in conflict with the sidewalk and landscaping proposed for the development. All six Coast live oaks and one Ponderosa pine on the project site are proposed to be removed are protected. The group of acacia trees to be removed are not protected by Scotts Valley ordinances. Table 7-2: Tree Inventory lists the trees included in the survey area and those proposed for removal.

<table>
<thead>
<tr>
<th>Species</th>
<th>Trees Identified in Arborist Report</th>
<th>Trees Proposed for Removal</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ash</td>
<td>6</td>
<td>6</td>
</tr>
<tr>
<td>Sycamore</td>
<td>4</td>
<td>4</td>
</tr>
<tr>
<td>Coast Live Oak</td>
<td>6</td>
<td>6</td>
</tr>
<tr>
<td>Group of Acacia</td>
<td>At least 200</td>
<td>At least 200</td>
</tr>
<tr>
<td>Ponderosa Pine</td>
<td>1</td>
<td>1</td>
</tr>
</tbody>
</table>

Source: Maureen Hamb, 2018

The loss of trees regulated by the City’s Tree Protection Regulations would require a Tree Removal Permit from the City processed concurrently with the other requested entitlements. Pursuant to the Tree Protection Regulations, the Tree Removal Permit, inclusive of Planning Commission approval for removal of Heritage Trees, if required, would be obtained and submitted to Scotts Valley Building Department prior to approval of Improvement Plans, issuance of grading permits, and/or any clearing, grading, or excavation work on the project site.

Per the City’s Tree Protection Regulations, the applicant would be required to provide for the planting of two trees for each “protected” tree removed (2:1 ratio). Because the project would remove seven protected trees, a minimum of 14 trees would be required to be replanted. As shown in Figure 7-23-8: Landscape Plan, the project would replace the protected trees at a 3:1 ratio for a total of 21 trees, or seven tree more than required the City’s Tree Protection Regulations. In total, 136 trees will be planted, as shown in Figure 7-23-8: Landscape Plan.

Because the project would exceed the tree replacement requirements as defined in the City’s Tree Protection Regulations per Section 17.44.080 of the City of Scotts Valley Zoning Ordinance, impacts from tree removal would be less than significant.

Tree and vegetation removal may also affect nesting birds. The Biotic Report concluded that nesting birds (protected by the MBTA) may occur within the project site (Biotic Resources Group, 2017). Removal of trees or understory vegetation has the potential to harm nesting
Figure 3-13: Existing and Proposed Zoning Designation

Legend
- R-M-6: Medium High Density
- R-M-8: Medium High Density
- R-1-10: Medium Density
- R-1-20: Low Density
- C-S: Service
- C-P: Professional
- I-L: Light
- P: Public/Quasi Public

Source: City of Scotts Valley, 2017
4 Mitigation Monitoring and Reporting Program

4.1 Public Resources Code

When approving projects with Environmental Impact Reports (EIRs) that identify significant impacts, the California Environmental Quality Act (CEQA) requires public agencies to adopt monitoring and reporting programs or conditions of project approval to mitigate or avoid the identified significant effects (Public Resources Code Section 21081.6(a)(1)). A public agency adopting measures to mitigate or avoid the significant impacts of a proposed project is required to ensure that the measures are fully enforceable, through permit conditions, agreements, or other means (Public Resources Code Section 21081.6(b)). The mitigation measures required by a public agency to reduce or avoid significant project impacts not incorporated into the design or program for the project, may be made conditions of project approval as set forth in a Mitigation Monitoring and Reporting Program (MMRP). The program must be designed to ensure project compliance with mitigation measures during project implementation.

The MMRP includes the mitigation measures identified in the EIR required to address only the significant impacts associated with the project being approved. The required mitigation measures are summarized in this program; the full text of the impact analysis and mitigation measures is presented in the DEIR.

The MMRP is organized in a table format (see Table 4-1: Mitigation Monitoring and Reporting Program for the Oak Creek Park Project, keyed to each significant impact and each EIR mitigation measure. Only mitigation measures adopted to address significant impacts are included in this program, based upon whether the measure applies to the hotel development, residential development, or both developments. Each mitigation measure is set out in full, followed by a tabular summary of monitoring requirements. The column headings in the tables are defined as follows:

- Mitigation Measures: This column presents the mitigation measure identified in the EIR.
- Monitoring/Reporting Responsibility: This column contains an assignment of responsibility for the monitoring and reporting tasks.
- Monitoring and Reporting Requirement: This column refers the outcome from implementing the mitigation measure.
- City Staff/Notes: This column will be used by the lead agency to document the person who verified the implementation of the mitigation measure and the date on which this verification occurred.

4.2 Enforcement

If the project is approved, the MMRP for each development would be incorporated as a condition of such approval. Therefore, all mitigation measures for significant impacts must be carried out to fulfill the requirements of approval. A number of the mitigation measures would
be implemented during the course of the development review process. These measures would be checked on plans, in reports, and in the field prior to construction. Most of the remaining mitigation measures would be implemented during the construction, or project implementation phase.
Table 4-1: Mitigation Monitoring and Reporting Program for the Oak Creek Park Project

<table>
<thead>
<tr>
<th>Category/Impact</th>
<th>Mitigation Measures</th>
<th>Monitoring/ Reporting Responsibility</th>
<th>Monitoring/ Reporting Requirement</th>
<th>City Staff Notes; Initials/Date when Done</th>
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<tbody>
<tr>
<td>AIR QUALITY</td>
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| Impact AQ-2: Future construction activities would generate dust and exhaust emissions of criteria pollutants and toxic air contaminants. | **MM AQ-2.1 Reduce Fugitive Dust**  
The applicant for future residential development shall implement the following measures to minimize nuisance impacts and to significantly reduce fugitive dust emissions, and the applicant shall require all of the following measures to be shown on grading and building plans:  
  - Limit grading to 8.1 acres per day, and grading and excavation to 2.2 acres per day.  
  - Water graded/excavated areas and active unpaved roadways, unpaved staging areas, and unpaved parking areas at least twice daily or apply non-toxic chemical soil stabilization materials per manufacturer’s recommendations. Frequency should be based on the type of operations, soil and wind exposure.  
  - Prohibit all grading activities during periods of high wind (more than 15 mph).  
  - Apply chemical soil stabilizers on inactive construction areas (disturbed lands within construction projects that are unused for at least four consecutive days). | Planning Department  
Contractor | Review and approve construction specifications prior to issuance of building permit.  
Include in construction specifications and implement during construction.  
Review during site inspections. |
<table>
<thead>
<tr>
<th>Category/Impact</th>
<th>Mitigation Measures</th>
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<th>Monitoring/Reporting Requirement</th>
<th>City Staff Notes; Initials/Date when Done</th>
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<td></td>
<td>▪ All disturbed soil areas not subject to revegetation shall be stabilized using approved chemical soil binders, jute netting, or gravel for temporary roads and any other methods approved in advance by MBARD.</td>
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<td>▪ Exposed ground areas that are planned to be reworked for durations longer than 1 month after initial grading shall be sown with a fast germinating, non-invasive grass seed and watered until vegetation is established.</td>
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<td>▪ Plant vegetative ground cover in disturbed areas as soon as possible.</td>
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<td>▪ Use street sweepers, water trucks, or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the project site. Reclaimed (non-potable) water should be used whenever possible;</td>
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<td>▪ Spray dirt stock pile areas daily as needed.</td>
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<td>▪ Place gravel on all roadways and driveways as soon as possible after grading. In addition, construct building pads as soon as possible after grading unless seeding, soil binders, or frequent water application are used.</td>
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<td>▪ Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site.</td>
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<td>Category/Impact</td>
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<td>▪ All trucks hauling dirt, sand, soil, or other loose materials shall be covered or shall maintain at least 2 feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with California Vehicle Code Section 23114.</td>
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<td>▪ Unpaved road travel shall be limited to the extent possible, for example, by limiting the travel to and from unpaved areas, by coordinating movement between work areas rather than to central staging areas, and by busing workers where feasible.</td>
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<td>▪ Install wheel washers where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the project site, and inspect vehicle tires to ensure they are free of soil prior to carry-out to paved roadways.</td>
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<td>▪ Sweep streets at the end of each day, or as needed, if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water shall be used where feasible.</td>
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**BIOLOGICAL RESOURCES**

<p>| Impact BIO-1: Cause a direct or indirect adverse effect on special-status invertebrate species. | <strong>MM BIO-1.1 Focused Plant Surveys</strong>&lt;br&gt;At least one year prior to issuance to grading permits, and/or any clearing, grading, or excavation work on the project site, the project applicant shall have a | Planning Department | Review documentation from relevant Responsible Agency(s). |</p>
<table>
<thead>
<tr>
<th>Category/Impact</th>
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<tr>
<td>qualified biologist conduct a spring season plant survey, with a focus on the coastal prairie and the bottom of the detention basin. The survey shall ascertain whether the site supports any special status plant species. The survey findings shall be subject to review by the City of Scotts Valley. If no special status species are found, no additional actions are required. If special status species are found on site, the applicant shall confer with regulating agencies (i.e., City, CDFW, and/or USFWS) on measures to avoid, minimize, or compensate for the impact. A mitigation plan shall be prepared and implemented that provides preservation, salvage, or presents other compensation for the impact, such that impacts are reduced to a less than significant level.</td>
<td>CA Dept of Fish and Wildlife Qualified biologist</td>
<td>Demonstrate mitigation compliance.</td>
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</table>
| Impact BIO-3: Cause a direct or indirect adverse effect on nesting bird sites. | **MM BIO-2.1 Avoid Nesting Birds**  
The applicant shall schedule tree removal to occur between September 1 and March 1 of any given year, which is outside the bird nesting season for Central California Coast to avoid impacting nesting birds, if present. Because this tree grove is adjacent to very busy roadways, it would be difficult to detect nesting birds by listening for their vocalizations; the dense acacia vegetation also makes it difficult to ascertain visually if any small bird nests such as hummingbirds are present. Therefore, this measure to avoid impacts to nesting birds, is the only practical method to avoid everyday nuisances. | Planning Department Qualified biologist | Construction specifications prior to issuance of grading permits.  
Preconstruction surveys. |
<table>
<thead>
<tr>
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<tr>
<td>GEOLGY, SOILS, AND SEISMICITY</td>
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<td>Impact GEO-3: Be located on a geologic unit or soil that is unstable, or that would become unstable as a Result of the project, and potentially result in on-or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse.</td>
<td><strong>MM GEO-3.1 Implement Geotechnical Report Recommendations</strong>&lt;br&gt;The project applicant shall ensure that the project incorporates appropriate geotechnical recommendations for the seismic ground shaking, seismic-related ground failure and liquefaction, landslide susceptibility, erosion and erosion control, soil stability, expansive soils, and any other appropriate issue. Prior to building permit issuance, the project geotechnical engineer shall review the plans submitted for a grading/building for compliance with the recommendation of the geotechnical report. Once the plans comply with the recommendations, the project geotechnical engineer shall provide a plan review letter stating that the project design meets all of the geotechnical report recommendations.</td>
<td><strong>Planning Department</strong>&lt;br&gt;Registered geotechnical engineer</td>
<td>Review geotechnical report and ensure recommendations are included in plans prior to issuance of building permits.</td>
<td>Prepare design-level geotechnical investigation.</td>
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<td>NOISE</td>
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<td>Impact N-1: Cause a temporary or periodic increase in ambient noise levels during construction that would</td>
<td><strong>MM N-1 Construction Noise Reduction</strong>&lt;br&gt;To reduce the effects of construction noise, the project applicant shall ensure that the following is</td>
<td><strong>Planning Department</strong>&lt;br&gt;</td>
<td>Review of and approval of construction plan prior to issuance of grading and building permits.</td>
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<td>Category/Impact</td>
<td>Mitigation Measures</td>
<td>Monitoring/Reporting Responsibility</td>
<td>Monitoring/Reporting Requirement</td>
<td>City Staff Notes; Initials/Date when Done</td>
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<td>substantially disturb sensitive receptors.</td>
<td>included as part of all relevant construction plans for any future proposed project:</td>
<td>Building Department</td>
<td>Prepare construction plan, including noise specifications; adhere to plan provisions during construction.</td>
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<td><strong>Construction Equipment.</strong> Properly maintain construction equipment and ensure that all internal combustion engine driven machinery with intake and exhaust mufflers and engine shrouds (if the equipment had such devices installed as part of its standard equipment package) are in good condition and appropriate for the equipment. Equipment engine shrouds shall be closed during equipment operation. The project applicant shall require all contractors, as a condition of contract, to maintain and tune-up all construction equipment to minimize noise emissions.</td>
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<td></td>
<td><strong>Vehicle and Equipment Idling.</strong> Construction vehicles and equipment shall not be left idling for longer than 5 minutes when not in use.</td>
<td>Contractor</td>
<td></td>
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<td></td>
<td><strong>Stationary Equipment.</strong> All noise-generating stationary equipment, such as air compressors or portable power generators, shall be located as far as possible from sensitive receptors. Temporary noise barriers shall be constructed to screen stationary noise generating equipment when located near adjoining sensitive land uses. Temporary noise barriers could reduce construction noise levels by 10 dBA.</td>
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<td>Category/Impact</td>
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<td><strong>Construction Route.</strong> All construction traffic to and from the project site shall be routed via designated truck routes where feasible. All construction-related heavy truck traffic in residential areas shall be prohibited where feasible.</td>
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<td><strong>Workers' Radios.</strong> All noise from workers' radios shall be controlled to a point that they are not audible at sensitive receptors near the construction activity.</td>
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<td><strong>Construction Plan.</strong> Prior to issuance of any grading and/or building permits, the contractor shall prepare and submit to the City of Scotts Valley Building Department for approval a detailed construction plan identifying the schedule for major noise-generating construction activity.</td>
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<td><strong>Disturbance Coordinator.</strong> A “noise disturbance coordinator” shall be designated by the contractor and be responsible for responding to any local complaints about construction noise. The noise disturbance coordinator shall determine the cause of the noise complaint (e.g. starting too early, bad muffler, etc.) and shall require that reasonable measures warranted to correct the problem be implemented. The coordinator shall conspicuously post a name and telephone number for the disturbance coordinator at the construction site and</td>
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<td>Category/Impact</td>
<td>Mitigation Measures</td>
<td>Monitoring/ Reporting Responsibility</td>
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<tr>
<td><strong>Transportation</strong></td>
<td><strong>MM TR-2.1 Mt. Hermon Road Project Site Access</strong>&lt;br&gt;Prior to issuance of the grading permit, the project applicant shall submit an analysis by a qualified traffic engineer demonstrating that ingress access from Mt. Hermon Road is designed to adequately accommodate bus access to the existing transit stop (even if not currently used) and provide safe access for vehicles entering the project site from Mt. Hermon Road.</td>
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<td>include it in the notice sent to neighbors regarding the construction schedule.</td>
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<td>Notes:</td>
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</table>

5/31/22
June 2, 2022

Scotts Valley City Planning Commission
1 Civic Center Drive
Scotts Valley, CA 95066

RE: Oak Creek Park Mixed-Use Development

Dear Planning Commissioners:

Affordable Housing NOW (AHN) appreciates the opportunity to comment on the proposed Oak Creek Park Mixed-Use Development with 52 residential units. AHN fully supports this project as it provides exactly the kind of housing that is needed in Scotts Valley.

The Oak Creek Park Mixed-Use development is a well planned project providing 52 rental units with a range in size from studios, to one, two and three bedroom apartments. There is a great need for more rental units in Scotts Valley, as well as smaller studio housing units for single individuals, young professionals, and seniors.

AHN also applauds the developer for the affordability levels included in the project as it is our understanding that the project will include two very-low and two low-income units, as well as four moderate income housing units. The City is far from reaching its RHNA goals for extremely low, low and moderate-income households and this development helps address the great need for housing in those income categories. AHN believes that every unit counts and these eight units will make difference for eight individuals and/or families who want to be a part of our community.

AHN enthusiastically supports this project and we urge your Commission to move the project forward for City Council consideration and approval.

Sincerely,

Tim Willoughby, AHN Chair
Minutes

Scotts Valley Planning Commission
Meeting was Remote Access Only
Date: June 9, 2022
Time: 6:00 PM

CALL TO ORDER: 6:04pm

ROLL CALL: Present: Gentile, Hodgin, Horlock, Maffia, and Mosley

PUBLIC COMMENT: None

ALTERATIONS TO CONSENT AGENDA: None

CONSENT AGENDA:

1. Approve the Action Meeting Minutes from the following meetings:
   a. August 12, 2021
   b. September 9, 2021
   c. October 21, 2021
   d. December 9, 2021
   e. February 24, 2022
   f. March 10, 2022,
   g. March 24, 2022
   h. May 12, 2022

M/S: Maffia/ Mosley
To approve the Consent Agenda.
Carried: 5-0-0
Ayes: Gentile, Hodgin, Horlock, Maffia, and Mosley
Noes: None
ALTERATIONS TO REGULAR AGENDA: Move the regular agenda first.
   M/S: Maffia/Mosley
   To move the regular agenda first.
   Carried: 5-0-0
   Ayes: Gentile, Hodgin, Horlock, Maffia, and Mosley
   Noes: None

REGULAR AGENDA

1. Proposed Project: Capital Improvement Program for FY2022/23-2026/27
   Location: City-wide
   Applicant & Property Owner: City of Scotts Valley
   Project Description: State law requires cities to adopt a Capital Improvement
   Program (CIP) to implement the cities’ General Plan. The CIP is a list of the
   proposed public works projects. The City’s Public Works Department develops
   the CIP as a 5-year program and updates the program each year. By law, the
   Planning Commission must review the CIP for consistency with the General
   Plan.
   Staff: Chris Lamm, Public Works Director, clamm@scottsvalley.org
   M/S: Hodgin/Maffia
   Carried: 5-0-0
   Ayes: Gentile, Hodgin, Horlock, Maffia, and Mosley
   Noes: None

ALTERATIONS TO PUBLIC HEARING AGENDA: None

PUBLIC HEARING AGENDA:

2. Proposed Project: Lloyd’s Tires Office Trailer
   Location: 5310E Scotts Valley Drive / APN 022-042-08
   Planning Permit Application: Design Review DR22-005
   Applicant & Property Owner: Courtney Hughes & Steve Bogner
   Project Description: Consideration of a Design Review application to legalize
   an existing, unpermitted 317 square foot office trailer with an attached,
   unpermitted, 103 square foot deck.
   Staff Planner: Jonathan Kwan, Contract Planner, jonathank@csgengr.com
   M/S: Horlock/ Hodgin
   To approve Resolution No. 1773 for DR22-005 for the Lloyd’s Tires Office Trailer
   at 5310E Scotts Valley Drive.
   Carried: 5-0-0
   Ayes: Gentile, Hodgin, Horlock, Maffia, and Mosley
   Noes: None

3. Proposed Project: Oak Creek Park
   Location: Intersection of Mount Hermon Road and Glen Canyon Road / 
   APN 022-162-76
   Planning Permit Application: Environmental Impact report EIR19-004
General Plan Amendment GPA18-001  
Zone Change ZC18-001  
Planned Development PD18-002  
Minor Land Division MLD18-003  
Design Review DR18-007

**Applicant & Property Owner:** Charlie Eadie & Granum Partners

**Project Description:** Consideration of an Environmental Impact Report, General Plan Amendment (GPA), Zone Change, Planned Development Zoning and Planned Development Permit, Design Review application and a Minor Land Division to allow for the construction of a mixed use commercial and residential development on a 3.56-acre site at the intersection of Glen Canyon and Mt. Hermon Road. Project land uses include 24,973 square feet of commercial, eight townhomes, and 44 apartments

**Staff Planner:** Susie Pineda, Contract Planner, spineda@m-group.us

**M/S:** Maffia/Horlock

To direct the applicant to work with staff to address the following items and bring the revised project back to the Planning Commission with a resolution for consideration.

Lot 1

a. Setbacks of the townhomes
b. Parking
c. Size of the units

Lot 2

a. Reduced Parking Dimensions
b. Shared Parking
c. Enhanced Parking Lot Design
d. Private open space regarding rooftop screening from neighbors
e. Architectural enhancements
f. Circulation and parking
g. Trash bin location
h. Redwoods behind the buildings
i. Parking Garage Venting

**Carried: 5-0-0**

**Ayes:** Gentile, Hodgin, Horlock, Maffia, and Mosley

**Noes:** None

**DISCUSSION ITEMS AND FUTURE AGENDA ITEMS:** None

**WRITTEN COMMUNICATIONS – FOR INFORMATION ONLY:** None

**DIRECTOR UPDATES:** None

**ADJOURNMENT:** 9:34pm
### Net Areas by Level

<table>
<thead>
<tr>
<th>Area Total</th>
<th>Lot 1</th>
<th>Lot 2</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>First Level Gross</strong></td>
<td>54,840 SF</td>
<td>11,140 SF</td>
</tr>
<tr>
<td>Net Residential</td>
<td>7,140 SF</td>
<td>7,140 SF</td>
</tr>
<tr>
<td>Net Commercial</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Net Parking Garage</td>
<td>25,220 SF</td>
<td>3,940 SF</td>
</tr>
<tr>
<td>SF</td>
<td>46.1%</td>
<td>33.5%</td>
</tr>
<tr>
<td>COOP/COR</td>
<td>21,380 SF</td>
<td>0</td>
</tr>
<tr>
<td>S</td>
<td>46.1%</td>
<td>0</td>
</tr>
<tr>
<td>Net Assigned Open Space</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Net Parking Garage</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Net Assigned Common Open Space</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Net Private Open Space</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td><strong>Second Level Gross</strong></td>
<td>19,691 SF</td>
<td>0</td>
</tr>
<tr>
<td>Net Residential</td>
<td>7,616 SF</td>
<td>7,616 SF</td>
</tr>
<tr>
<td>Net Commercial</td>
<td>0</td>
<td>0</td>
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<tr>
<td>Net Parking Garage</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>SF</td>
<td>46.1%</td>
<td>33.5%</td>
</tr>
<tr>
<td>COOP/COR</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>S</td>
<td>46.1%</td>
<td>0</td>
</tr>
<tr>
<td>Net Assigned Open Space</td>
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<td>0</td>
</tr>
<tr>
<td>Net Parking Garage</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Net Assigned Common Open Space</td>
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<td>0</td>
</tr>
<tr>
<td>Net Private Open Space</td>
<td>0</td>
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</tr>
<tr>
<td><strong>Third Level Gross</strong></td>
<td>24,123 SF</td>
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<tr>
<td>Net Residential</td>
<td>0</td>
<td>0</td>
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<tr>
<td>Net Parking Garage</td>
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<td>SF</td>
<td>46.1%</td>
<td>33.5%</td>
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<td>COOP/COR</td>
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<td>S</td>
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</tr>
<tr>
<td>Net Private Open Space</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td><strong>Common Area</strong></td>
<td>1,591 SF</td>
<td>0</td>
</tr>
<tr>
<td><strong>26,326 SF</strong></td>
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<td>26,326 SF</td>
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<tr>
<td><strong>Common Area</strong></td>
<td>3,726 SF</td>
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</tr>
<tr>
<td><strong>39,644 SF</strong></td>
<td>9,992 SF</td>
<td>29,652 SF</td>
</tr>
<tr>
<td><strong>39,644 SF</strong></td>
<td>9,992 SF</td>
<td>29,652 SF</td>
</tr>
</tbody>
</table>

### Building Areas by Function

<table>
<thead>
<tr>
<th>Area Total</th>
<th>Lot 1</th>
<th>Lot 2</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Gross Building Area</strong></td>
<td>34,961 SF</td>
<td>13,014 SF</td>
</tr>
<tr>
<td>Commercial</td>
<td>24,973 SF</td>
<td>100%</td>
</tr>
<tr>
<td>Net</td>
<td>23,629 SF</td>
<td>64.2%</td>
</tr>
<tr>
<td><strong>Residential</strong></td>
<td>45,200 SF</td>
<td>92%</td>
</tr>
<tr>
<td>Gross</td>
<td>55,055 SF</td>
<td>68.8%</td>
</tr>
<tr>
<td>Net</td>
<td>45,200 SF</td>
<td>92%</td>
</tr>
<tr>
<td><strong>Parking Demands</strong></td>
<td>208.5 Spaces</td>
<td>208.5 Spaces</td>
</tr>
<tr>
<td>Total</td>
<td>0</td>
<td>0</td>
</tr>
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</table>

### Residential Housing Mix

<table>
<thead>
<tr>
<th>Mix</th>
<th>Average Use</th>
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<tbody>
<tr>
<td>Studio</td>
<td>712 SF</td>
</tr>
<tr>
<td>2 Bedroom</td>
<td>1,060 SF</td>
</tr>
<tr>
<td>2 Bedroom</td>
<td>1,184 SF</td>
</tr>
<tr>
<td>3 Bedroom</td>
<td>1,172 SF</td>
</tr>
</tbody>
</table>

### Density

| Lot 1 | 4,625 SF / 1,094 SF PER Dwelling |
| Lot 2 | 115,000 SF / 1,094 SF PER Dwelling |

#### 1. Mixed Use Ratio

- **Building Area Mix:**
  - Commercial: 45,029 SF
  - Residential: 45,029 SF
  - Ground Floor Commercial: 19,691 SF
  - Non-Residential: 70,478 SF
  - Residential: 92%
  - Commercial: 34.3%

#### 2. Mixed Use Ratio

- **Parking Demands:**
  - Commercial: 94.5 Spaces
  - Residential: 114 Spaces
  - Total: 208.5 Spaces


- **Non-Residential:**
  - Residential: 3.2 Occupancy
  - Commercial: 6.2 Occupancy

#### 4. Mixed Use Ratio - Based on Dwelling Functions

- **Non-Residential:**
  - Residential: 3.2 Occupancy

#### 5. Mixed Use Ratio - Based on Building Coverage

- **Non-Residential:**
  - Residential: 3.2 Occupancy

#### 6. Mixed Use Ratio - Building Area by Building Coverage

- **Non-Residential:**
  - Residential: 3.2 Occupancy
VIEW LOOKING UP MT. HERMON ROAD

VIEW LOOKING TOWARD PROPOSED COMMERCIAL BUILDING
OAK CREEK PARK
MOUNT HERMON ROAD AT SCOTTS VALLEY DRIVE
SCOTTS VALLEY, CA

SCALE: 1/8"=1'-0"

STONE VENEER BETWEEN THE SIDEWALK AND THE BOTTOM EDGE OF STOREFRONT WINDOW FRAMES. TYPICAL

DIA. CAFE TABLE SHOWN

TYP. BALCONY PLAN

GRADE PLANE = 514.2'

FLOOR ELEV: 506.8'
FLOOR ELEV: 517.8'
FLOOR ELEV: 527.8'
FLOOR ELEV: 537.8'

ELEV. 515.5'

TYPICAL BALCONY PLAN

32' 37' 26' 24'

4'-0" 8'-0"

24" DIA. CAFE TABLE SHOWN

TYPICAL BALCONY PLAN
6. CONTRACTOR SHALL BE FAMILIAR WITH, KEEP AND MAINTAIN A COPY OF THE MITIGATION MONITORING AND REPORTING SCALE: DRAWN: 1" = 40'.

5. IF ANY INDICATIONS OF ARCHEOLOGICAL REMAINS ARE ENCOUNTERED DURING GRADING ACTIVITIES FOR ANY RUNOFF (E.G. GRAVEL BAGS AT CATCH BASIN INLETS), OTHER POLLUTANT DISCHARGES. IF ADDITIONAL MEASURES ARE NEEDED, REVISE THE EROSION CONTROL PLAN AND IMPLEMENT THE MEASURES IMMEDIATELY. DOCUMENT ALL INSPECTION FINDINGS AND ACTIONS TAKEN.

4. EXTENDED STORM EVENTS, TO IDENTIFY AREAS THAT CONTRIBUTE TO EROSION AND SEDIMENT PROBLEMS OR ANY OPERATIONS. CONTRACTOR SHALL BE RESPONSIBLE FOR ANY AND ALL DAMAGES ASSOCIATED WITH CONTRACTOR'S WATER CONSTRUCTION UNTIL THE CHANGED CONDITION HAS BEEN EVALUATED. CONTACT UNDERGROUND SERVICES ALERT (USA) FOR ALL CONSTRUCTION PURPOSES.

3. OWNERS REPRESENTATIVES IF CONDITIONS DIFFER FROM THOSE SHOWN ON THE DRAWINGS AND SHALL NOT BEGIN SAME FROM DAMAGE. PRIOR TO CONSTRUCTION, VERIFY LOCATION AND ELEVATION OF EXISTING UNDERGROUND CONTROLS, INCLUDING INLET PROTECTION, ARE NECESSARY BUT SHOULD BE A SECONDARY DEFENSE BEHIND GOOD SS SANITARY SEWER CLEAN OUT TO CONSTRUCTION, DETERMINE THE EXACT LOCATION OF UNDERGROUND FACILITIES AND UTILITIES, AND PRESERVE FOUND IN FIELD. NO WARRANTY IS MADE REGARDING THE COMPLETENESS OR ACCURACY OF SUCH INFORMATION. PRIOR CONTROL MEASURES SUCH AS STRAW WATTLES, SILT FENCE, GRAVEL INLET FILTERS, AND/OR SEDIMENT TRAPS OR PE POLY ETHYLENE TUBING.

2. CONTRACTOR SHALL VERIFY LOCATIONS, ELEVATIONS AND INVERTS OF EXISTING UTILITY PRIOR TO COMMENCEMENT OF SAME FROM DAMAGE. PRIOR TO CONSTRUCTION, VERIFY LOCATION AND ELEVATION OF EXISTING UNDERGROUND CONTROLS, INCLUDING INLET PROTECTION, ARE NECESSARY BUT SHOULD BE A SECONDARY DEFENSE BEHIND GOOD SS SANITARY SEWER CLEAN OUT TO CONSTRUCTION, DETERMINE THE EXACT LOCATION OF UNDERGROUND FACILITIES AND UTILITIES, AND PRESERVE FOUND IN FIELD. NO WARRANTY IS MADE REGARDING THE COMPLETENESS OR ACCURACY OF SUCH INFORMATION. PRIOR CONTROL MEASURES SUCH AS STRAW WATTLES, SILT FENCE, GRAVEL INLET FILTERS, AND/OR SEDIMENT TRAPS OR PE POLY ETHYLENE TUBING.

1. CONTRACTOR SHALL BE RESPONSIBLE FOR ANY AND ALL DAMAGES ASSOCIATED WITH CONTRACTOR'S WATER CONSTRUCTION UNTIL THE CHANGED CONDITION HAS BEEN EVALUATED. CONTACT UNDERGROUND SERVICES ALERT (USA) FOR ALL CONSTRUCTION PURPOSES.

AUTHORIZED CHANGES AND USES

AUTHORIZED ONLY BY THE ENGINEER PREPARING THESE PLANS WILL NOT BE RESPONSIBLE FOR, OR LIABLE FOR, UNAUTHORIZED CHANGES OR USES OF THESE PLANS. ALL CHANGES TO THE PLANS MUST BE IN WRITING AND MUST BE APPROVED BY THE PREPARER OF THE PLANS.

ABBRIVATIONS

CIVIL SHEET INDEX

CIVIL ENGINEER:

ARCHITECT:

SURVEYOR:

UTILITY NOTIFICATIONS:

PROJECT DATUM:

THE TOPOGRAPHIC SURVEY IS BASED UPON NAVD88.
OAK CREEK PARK
SCOTT'S VALLEY, CA

MIXED USE DEVELOPMENT

EXISTING ZONING

PROPOSED ZONING

ZONING MODIFICATION MAP

CITY COMMENTS

NOV. 6, 2019

MAY 18, 2020

MAY 22, 2019

EXISTING ZONING

PROPOSED ZONING

ZONING LEGEND

R-3 MEDIUM DENSITY RESIDENTIAL
6,000 SQ. FT. MIN. LOT SIZE

R-1-10 MEDIUM DENSITY RESIDENTIAL
10,000 SQ. FT. MIN. LOT SIZE

R-1-20 LOW DENSITY RESIDENTIAL
20,000 SQ. FT. MIN. LOT SIZE

C-S COMMERCIAL SERVICE
45% MAX. BLDG. COVERAGE
35' HEIGHT LIMIT

I-L INDUSTRIAL LIGHT
50% MAX. BLDG. COVERAGE
35' HEIGHT LIMIT

PUBLIC / QUASI PUBLIC

156
1. **Sanitary Sewer Notes**

   - **General Sanitary Sewer Notes**
     - (N) Underground storage chambers to meeting Tier 4 mitigation requirements found in the Scotts Valley Water Notes.
     - All sanitary sewer laterals shall be equipped with a (N) clean out 5 feet minimum from the face of the building.
     - (N) 4" Type "K" copper tubing.

2. **Storm Drain Notes**

   - **General Storm Drain Notes**
     - All new storm drain inlets and catch basins shown in these plans shall be equipped with athermoplastic stenciling material and/or size.
     - (N) Any sanitary drainage system shall be equipped with a (N) clean out 5 feet minimum from the face of the building.

3. **Water Notes**

   - **General Water Notes**
     - A water main replacement has been completed at the fire hydrant (N) fire service connection to building.
     - (N) UNDERGROUND STORAGE CHAMBERS TO MEETING TIER 4 MITIGATION REQUIREMENTS FOUND IN THE SCOTTS VALLEY WATER NOTES.
     - (N) UNDERGROUND STORAGE CHAMBERS TO MEETING TIER 4 MITIGATION REQUIREMENTS FOUND IN THE SCOTTS VALLEY WATER NOTES.

4. **Utility Plan**

   - **Utility Legend**
     - MT HERMON ROAD
     - PROPOSED TOWNHOUSES
     - PROPOSED MIXED USE BUILDING
     - PROPOSED COMMERCIAL BUILDING
     - OAK CREEK PARK
     - SCOTT'S VALLEY, CA
     - OAK CREEK PARK
     - SCOTT'S VALLEY, CA

---

**Sanitary Sewer Pipe Schedule**

- 15" PVC SDR-35 Pipe
- 6" PVC SDR-35 Pipe
- 4" PVC SDR-35 Pipe
- 3" PVC SDR-35 Pipe
- 2" PVC SDR-35 Pipe
- 1" PVC SDR-35 Pipe
- 8" HDPE Pipe
- 6" HDPE Pipe
- 4" HDPE Pipe
- 3" HDPE Pipe

**Storm Drain Pipe Schedule**

- 12" PVC SDR-35 Pipe
- 10" PVC SDR-35 Pipe
- 8" PVC SDR-35 Pipe
- 6" PVC SDR-35 Pipe
- 4" PVC SDR-35 Pipe
- 3" PVC SDR-35 Pipe
- 2" PVC SDR-35 Pipe
- 1" PVC SDR-35 Pipe

**Water Pipe Schedule**

- 12" PVC C900 DR 14
- 8" PVC C900 DR 14
- 6" PVC C900 DR 14
- 4" PVC C900 DR 14
- 3" PVC C900 DR 14

---

**Before You Dig!**

- Call two working days before you dig!
- 1-800-227-2600
1. **TRAIN YOUR EMPLOYEES AND INFORM CONTRACTORS AND SUBCONTRACTORS ABOUT STORM WATER SHEETING OR TARP AROUND THE OUTSIDE OF THE DUMPSTER.** IF THE DUMPSTER HAS A COVER, CLOSE IT.

2. **CONTRACTOR SHALL USE BEST MANAGEMENT PRACTICES DURING CONSTRUCTION FOR MATERIALS WHENEVER POSSIBLE.**

3. **CONSTRUCTION WASTES IN COVERED DUMPSTERS OR RECYCLING RECEPTACLES. RECYCLE LEFTOVER EVERY 24 HOURS FOR EXTENDED STORM EVENTS, TO IDENTIFY AREAS THAT CONTRIBUTE TEMPOARY ROOFS. BEFORE IT RAINS, SWEEP AND REMOVE MATERIALS FROM SURFACES THAT DRAIN TO A AND SOLVENTS. DISPOSE OF UNUSABLE THINNERS, OIL-BASED PAINT, SLUDGES AND RESIDUE AS NEEDED.

4. **DO NOT WASH DOWN PAVEMENT OR SURFACES WHERE SILT HAS BEEN DEPOSITED OR MATERIALS HAVE BEEN SPILLED. USE DRY CLEANUP METHODS.**

5. **FIRST IMPLEMENT MEASURES TO MINIMIZE EROSION, MANAGE STORM WATER RUNOFF, AND PREVENT POLLUTANTS FROM CONTACTING STORMWATER RUNOFF.**

6. **SPILLS GREATER THAN ONE QUART SHALL BE IMMEDIATELY REPORTED TO THE CITY'S REPRESENTATIVE AND CONTRACTOR.**

7. **SPILLS SHALL BE DIKED OR CONTAINED BY TRAINED PERSONNEL TO PREVENT THE SPILLED HAZARDOUS MATERIALS FROM A AND SOLVENTS. DISPOSE OF UNUSABLE THINNERS, OIL-BASED PAINT, SLUDGES AND RESIDUE AS NEEDED.**

8. **SPILLS OF LESS THAN FIVE (5) GALLONS SHALL BE ABSORBED USING AN APPROPRIATE MATERIAL. ALL SPILLED MATERIALS SHALL BE DIKED OR CONTAINED TO PREVENT SPILLAGE.**

9. **WASH VEHICLES AT AN APPROPRIATE OFF-SITE FACILITY. IF EQUIPMENT MUST BE WASHED ON-SITE, USE WASHOUT FACILITY.**

10. **ALLOW AGGREGATE RINSE TO SETTLE, AND PUMP THE WATER TO THE SANITARY SEWER IF ALLOWED BY CITY.**

### Table 1: Erosion Prevention and Sediment Control Measures

<table>
<thead>
<tr>
<th>Measure Type</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Erosion Control</td>
<td>Use Silt Fence, Wattle, Silt Mat, and Straw Wattle.</td>
</tr>
<tr>
<td>Erosion Control</td>
<td>Use Rocked Construction Entrance.</td>
</tr>
<tr>
<td>Sediment Control</td>
<td>Use Silt Fence, Wattle, Silt Mat, and Straw Wattle.</td>
</tr>
</tbody>
</table>

### Diagrams:
- **GR8 Guard Detail**
- **Pro Wattle Detail**
- **S Fence Detail**

### Notes:
- Protect exposed soil with Silt Fence, Wattle, Silt Mat, and Straw Wattle.
- Use Rocked Construction Entrance to prevent soil erosion.
- For drainage inlets with grates in paved areas, use GR8 Guard.
PROPOSED COMMERCIAL BUILDING 'B'

PROPOSED MIXED USE BUILDING 'A'

PROPOSED TOWNHOUSE BUILDING 'C'

PROPOSED TOWNHOUSE BUILDING 'D'

EXISTING OFFICE BUILDING

THE APPROXIMATE TREE CANOPY AT YEAR 15 IS SHOWN IN THE SHADE CIRCLES ON THIS DRAWING. THE TREE CANOPIES SHOWN ONLY REFLECT TREES ADJACENT TO PARKING AREAS. FOR A COMPLETE PICTURE OF THE PROPOSED TREE CANOPY, SEE THE LANDSCAPE PLAN (SHEET L). THE MATURE TREE CANOPY WILL COVER OVER 30% OF THE SITE.
# Planning Commission Issues and Responses 6-23-22

<table>
<thead>
<tr>
<th>Issue</th>
<th>Response</th>
<th>Relevant Details</th>
<th>Comment</th>
<th>Plan Sheet Ref.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot 1 (3bdm. apartments)</td>
<td></td>
<td>1. Current setback is 97 ft from car wash which is notably more than Terrace project setback (83 ft) 2. Grade differential (20 ft) and landscaping provide adequate buffer. 3. Setback expands from 3 ft to 11.5 ft at midpoint of apartment building, and greater beyond that. 4. Setback averages 11.5 feet.</td>
<td>1. Any concern about future development of car wash site would appropriately be considered with any such future project. 2. Setback could be increased to 10 ft. with “Option B” under item 3, below.</td>
<td>New Neighborhood plan: PC-1</td>
</tr>
<tr>
<td>1. Setback from Car wash</td>
<td>Detail added: setback is sufficient</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2. Parking: sufficiency of parking/shared parking</td>
<td>Add condition of approval requiring a shared parking agreement if either lot is sold separately</td>
<td>1. Each 3-bdrm apartment has 2 garage spaces, with another 18 spaces available collectively. 2. Lots 1 and 2 will be under one ownership. 3. All units are apartments – no condo map or ownership.</td>
<td>Property management can establish rules and lease terms to manage parking.</td>
<td>PC -1</td>
</tr>
<tr>
<td>3. Unit Size: consideration of smaller units</td>
<td>No Change; or Plan B Option</td>
<td>1. Project apartment mix includes 22 studio/1bdm, 22 2bdm, and 8 3bdm apartments. 2. Plan B Option would replace one 3bdm with a 2bdm in apartment.</td>
<td>1. Part of “missing middle” housing need is for 3bdm apartments for families needing more rooms. 2. Plan B option would increase side setback to 10 ft. minimum at car wash boundary</td>
<td>A5.0 and A5.1 (Plan B Option)</td>
</tr>
<tr>
<td>Issue</td>
<td>Response</td>
<td>Relevant Details</td>
<td>Comment</td>
<td>Plan Sheet Ref.</td>
</tr>
<tr>
<td>-------</td>
<td>----------</td>
<td>------------------</td>
<td>---------</td>
<td>----------------</td>
</tr>
<tr>
<td>Lot 2 Commercial Mixed Use</td>
<td>Detail added: drawings have been clarified</td>
<td>1. Parking meets city standard of 17 ft with 3ft overhang. 2. Shop front variation adds additional pedestrian area</td>
<td>Sidewalk width is 9ft minimum excluding overhang; plus added width at entryways</td>
<td>A6.0 rev.</td>
</tr>
<tr>
<td>1. Parking Stall Dimensions</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2. Shared Parking</td>
<td>Add condition of approval re shared parking agreement if either parcel is sold separately</td>
<td>1. Parking provided meets city standards 2. Some retail parking is in first level of mixed-use building 3. Excess parking on Lot 1 available</td>
<td>Any parking issues can and will be addressed by property management</td>
<td>PC-1; A6.0 rev.</td>
</tr>
<tr>
<td>3. Enhanced Parking Lot Design: softening</td>
<td>Add condition of approval to include storefront planting and auto irrigation as appropriate consistent with retail needs</td>
<td>1. Storefronts have entry areas which provide variety, interest, and increased window display area. 2. Property manager will work with shopkeepers to implement.</td>
<td>Retailers typically design and install landscaping as part of entry theme and products sold.</td>
<td>A4.1 rev.; A6.0 rev.; L1 (landscape plan)</td>
</tr>
<tr>
<td>4. Rooftop Private Open Space: Concern re neighborhood impact</td>
<td>Plan clarification: open area is passive open space – not active or shared</td>
<td>1. “Rooftop” area of concern is 25 ft feet below the roof peak (is on floor of first apartment level above the parking.) 2. Apartments have private open space, either balconies on upper level or patios on the lower level below (with the open space area of concern.)</td>
<td>Landscaping can be added</td>
<td>A3.5 rev. (see elevation/section ‘A’); A3.2; A6.1</td>
</tr>
<tr>
<td>5. Architectural enhancements</td>
<td>Plan revision shows mural on east wall of mixed-use building.</td>
<td>1. Extensive tree planting (Urban Forest theme) and landscaping on street facing side of Building B screens building.</td>
<td>Service driveway planting was eliminated for fire access. Mural will provide a good substitute.</td>
<td>A4.1 rev.; Site Plan; L1 Landscape plan; revised elevation with mural (A3.5)</td>
</tr>
</tbody>
</table>
2. Cars have 20+ feet road width to pass a parked truck in loading zone in either direction.  
3. Queuing space for several cars is available out of the Mt. Hermon travel lane even with a bus in the pullout.  
3. CEQA mitigation measure will be implemented v/v any transit district potential future use of bus pullout | Any delays due to truck maneuvering will be short-lived and are typical for this type of urban design. | C1.0 Turning Exhibit |
| --- | --- | --- | --- | --- |
| 7. Trash Bin Location: Review for impact on adjacent parcel | Detail added: plan clarification showing setback, landscaping, and grade differential | 1. Trash enclosure is 46 feet from property line, separated by a wall and landscaping.  
2. Roof over enclosure limits exposure | Neighboring house was built close to property line. | A3.5 rev. East elevation; site plan |
| 8. Redwoods on adjacent parcel: concern for root impact and stability | Review letter from arborist | 1. Minimal grading at that location – 12” +/-  
2. New building setback exceeds root zone. | Regulated by State building codes to prevent impacts | A3.5 rev.; review letter |
| 9. Parking Structure Venting: Neighbor concerns re potential impact of exhaust fumes | Review of details | 1. No mechanical venting is anticipated  
2. Open flow (grated) garage doors and other passive ventilation obviates any problem | Regulated by State building codes to prevent impacts | A3.5 rev. west elevation |